



The Society of Experimental Test Pilots  
Partners Family Handbook

2012

Table of Contents	Page
<a href="#">Mission Statement</a>	4
<a href="#">Foreword</a>	5
<a href="#">I. Introduction</a>	6
A. Who Does This Handbook Apply To?	6
B. What Is the Purpose of This Handbook?	6
C. Isn't This Material Already Available?	6
<a href="#">II. Establish the Vision</a>	7
A. Vision and Values -- Preserving Them When We've Lost a Family Member	7
B. Establish the Vision First – Make a Date to Talk about What You Want	7
C. Begin with the End in Mind	7
D. Home/Shelter	9
E. Income	10
F. Pension	10
G. Employment	11
<a href="#">III. Estate Planning</a>	14
<a href="#">IV. Wills</a>	15
A. What Is a Will?	15
B. Probate	16
C. Important Documents to Have in Addition to a Will	19
<a href="#">V. Trusts</a>	21
A. Trusts - What Are They and Do I Need One?	21
B. Revocable and Irrevocable	21
<a href="#">VI. Pulling Your Team Together</a>	23
A. Meeting with an Advisor	23
B. Meeting with an Attorney	24
<a href="#">VII. Preparation for the Important Documents Checklist</a>	25
A. Where to Begin?	25
B. Important Documents Checklist	27
1. Insurance	27
2. Assets	28
3. Debts	29
4. Income	29
5. Expenses	29

6. Estate Planning	29
7. Personal Data	30
8. Family Information	32
9. Emergency Contacts	33
10. Funeral/Burial Instructions	35
11. Obituary Information	36
C. Keeping it Relevant	38
1. Who Should Have Copies and Where Should They Be Stored?	38
2. When Should It Be Updated or Revised?	39
3. How Should Updates and Revisions Be Done?	39
<a href="#"><u>VIII. In Case of Death</u></a>	40
A. What you Need To Do	40
B. Timeline Checklists	41
C. Applying for Benefits	45
1. Social Security	45
2. Veteran's Benefits	46
3. The SETP Scholarship Foundation	47
4. Insurance	47
<a href="#"><u>Appendix A: Glossary of Terms</u></a>	48
<a href="#"><u>Appendix B: Frequently Asked Questions</u></a>	50
<a href="#"><u>Appendix C: Advanced Medical Directives (California Samples)</u></a>	55
<a href="#"><u>Appendix D: Other Resources and Web Links</u></a>	63
<a href="#"><u>Appendix E: The SETP Partners Handbook (The Really Short Version)</u></a>	64

## Mission Statement

The mission of the Society of Experimental Test Pilots (SETP) Partners is to provide families with a package of "Things they will need if..." and "Things they should consider doing before ..."

The SETP Partners is providing this handbook free to the SETP members and their families.

Each section includes a discussion of information applicable to it (and a checklist, if appropriate). Once the sections and checklists are complete, the handbook will contain all the information you may need in the event of the death of a family member. Over time, it will become an important family resource and should be protected as such.

The SETP Partners is providing this service to our members in the hope that they can be better prepared for all eventualities.

This handbook applies to either parent or child.

The Society of Experimental Test Pilots and the Society of Experimental Test Pilots Foundation take great pride in thanking the members of the SETP Partners (listed alphabetically) for their extraordinary efforts in providing this most worthwhile document to the SETP membership:



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## Foreword

The Society of Experimental Test Pilots Partners has put this handbook together for the use of its members and their families in order to plan ahead for an eventual death. It is a work in progress and, as such, no claim is made or implied that it is 100% complete. We have done our best to include everything we considered relevant at the time of publication; however, changes and updates to this document will invariably be made over time.

If you have used this document, either in preparation for or following the death of a family member, your constructive criticism is always welcome and appreciated. Please send your comments to [setp@setp.org](mailto:setp@setp.org) or mail them to:

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Sincerely,

The Society of Experimental Test Pilots Partners

*This document is for informational purposes only and should not be construed as financial or estate planning advice; nor should it replace advice from a qualified professional (financial planner, accountant, attorney, etc.) We encourage you to seek the advice and counsel of your professional advisors as you construct your plan.*

## **I. Introduction**

### **A. Who Does this Handbook Apply To?**

This handbook is applicable to all SETP members and their families.

### **B. What Is the Purpose of This Handbook?**

This publication serves as a pre-planning resource to help SETP members and their loved ones ensure that the people most important to them are taken care of in the event of their death.

The subject is often unpleasant and thus many of us choose to avoid it. But, we have all heard recounts of heartbroken family members struggling with their grief while at the same time being forced to deal with banks, insurance companies, bill collectors, long-lost relatives, and more. These necessary tasks can become overwhelming and leave survivors in deep despair and unable to cope. Children may feel they have lost both parents and/or caretakers.

It doesn't have to be this way. Just as all pilots train for emergency situations, so should they and their loved ones prepare for the unexpected.

One of the key goals of this publication is to stimulate dialogue between our members and their families. This handbook will familiarize you with the pros and cons of Wills, Trusts, and Estate Plans. It will help you pull all of the necessary documents together and formulate your plan. You will ask yourself, "What do I want and what do I need?" The handbook then guides you in preparing for meeting with an attorney and possibly a financial advisor to finalize your Will, Trust or Estate Plan, and includes guidance on when you should update or revise these. Finally, it includes a section on what to do in case of the death of a loved one and how to apply for benefits and other assistance.

While this handbook does not serve as a substitute for an attorney, financial advisor or estate planner, it does provide a launching point for the consolidation of necessary documents and personal planning. This advance preparation will save you expenses in professional fees.

### **C. Isn't This Material Already Available?**

The short answer is yes. However, while we found many effective publications, we saw the need to produce something that covered a multitude of areas in a concise manner. The SETP Partners believe this is an important issue and wants to see all of the SETP members take the prudent steps of preparation to safeguard themselves, their families and their interests. The SETP Partners are providing this publication with their endorsement at no charge to the SETP membership.

## II. Establish the Vision

This is the planning portion of the handbook. This is where you and your family will ask yourselves questions like “What do we want?”, “What do we have?” and “What do we need to get there?” Your answers to these key questions are the foundation for all of the planning and preparation on which you are embarking.

### A. Vision and Values -- Preserving Them When We've Lost a Family Member

Imagine: Beginning now, from this day forward, you have a choice: to keep your life the way it is now, or to choose to start over. How would you WANT to live your life? What would it be like? Would you want to continue in your current job? Would you want to live in the same house or someplace else? Would you want to change everything and start over somewhere else? Would you want to keep your routine and your current friends around you?

Now, envision what it would be like if, beginning now, you were to remove your partner from the picture of your life. Without this partner's income or influence, how would you answer the same questions?

This is the start of how to build a plan for when the thing that "only happens to other people" happens to us. None of us can predict the future, but we can plan for contingencies. You wouldn't need a contingency plan if things always went according to expectations, but you don't want to be reactively creating one during a period of mourning. Consider: when you and/or your partner first learned to fly, you or they learned the emergency procedures. These were drilled until they became ingrained and automatic, since no pilot has the time or can spare the energy to have to think through what to do when the plane develops a malfunction. Your “emergency plan” for when you lose your best friend should also be developed well enough that you can automatically put it in place during a very emotionally challenging time, allowing you to devote your energies to your and your family's well being, and not having to make anxious day-to-day financial decisions.

### B. Establish the Vision First – Make a Date to Talk about What You Want

Most people don't want to consider their death or disability or the aftermath. That's why it's important to engage someone who will encourage you to consider all relevant information, including that which is outside your comfort zone, to make sure you are addressing all the contingencies and considerations. It's easy to get into a “things will all work out” mentality as the avoidance mechanism for this subject, and sometimes you may superstitiously feel as if you are inviting in “bad luck” just by bringing this subject up. Please be assured that the comfort and peace of mind that develops from a secure and well-thought out set of “EP's” (emergency procedures) is more than worth the discomfort of the discussion.

### C. Begin with the End in Mind

Start with the questions surrounding the desired place to live and what the income and lifestyle of the family should be. Should the current working situation be maintained? Include the future goals that you had set and want to continue to achieve. Ignore the rules of thumb stating every variant from “you only need 10 years of income”, to “you can live on 70% of your former income.” There are no statistics which support these supposed rules of thumb. Every family is different. Do not start from how much you have; start with how you would want your family to live in the absence of the partner. For every major element, it would be very helpful to outline a set of questions and consequences for each of your choices.

Think in terms of a list of factors:

- Home / Shelter (Where will you live?)
- Income (To support, maintain, and grow as the family grows and ages)
- Savings (For future contingencies)



Engage someone who is experienced and an expert at planning for contingencies. Look for a financial planner whose practice includes insurance and estate planning, not just wealth management.

This handbook reflects the experiences of people who have been through this and have given us their advice. Reflect on how their experiences could be the same or vary from yours. Put it on your calendar and tackle one section at a time, but please don't bury it in your well-intentioned to-do list.

The basic decisions to start with: If your spouse, best friend or another family member died today, what decisions will have to be made within the next few weeks?

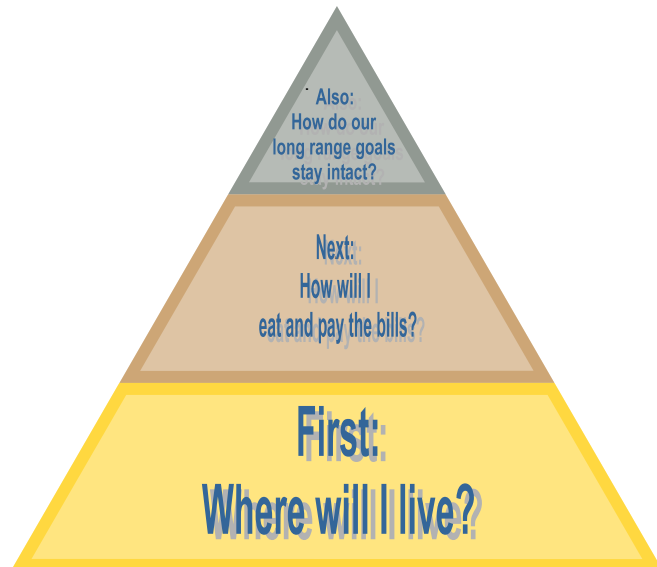


## D. Home/Shelter

Stay? Move? List the pros and cons for each choice. Staying might not be possible in foreign countries or on-base housing, where you have a limited time to make a choice of where to go. Selling a home in a down market is a recipe for financial disaster, especially if your plan forces that decision.

If you have children, moving means they not only lose their parent, but they could also lose things that are familiar to them, like their home, their friends, their school, their extracurricular activities.

How will you pay for housing?



- The consideration of whether to buy a home somewhere with a mortgage will be impacted by the length and strength of the survivor's credit rating, the amount and sources of income, and their savings.
- Paying off a mortgage requires less money over time (and therefore less insurance money or assets) than does continuing to pay for it, because you are mostly paying for interest in the first half of the loan life on a mortgage.
- Renting? Factor in how long you would want to do that, how you will deal with the increasing rents over time.

## E. Income

What sources are available? Confirm them, and know how long they last (in the case of Social Security), or how much they vary (in the case of passive income, like a business or rental property).

With Social Security benefits in the US, for example:

- **Your widow or widower** can receive benefits at any age if she or he takes care of your child who is receiving Social Security benefits and is younger than age 16 or disabled.
- **Your unmarried children** who are younger than age 18 (or up to age 19 if they are attending elementary or secondary school full time) also can receive benefits.
- **Your children** can get benefits at any age if they were disabled before age 22 and remain disabled.
- Under certain circumstances, benefits also can be paid to your **stepchildren, grandchildren, step-grandchildren or adopted children**.
- **Your dependent parents** can receive benefits if they are age 62 or older. (For your parents to qualify as dependents, you would have had to provide at least one-half of their support.)

## F. Pension

Civilian company: Call the Human Resources department to verify exactly what would be received TODAY as benefits, since many of the websites for employees report the PROJECTED benefit once either vested or eventually retired.

Active duty military: Discuss the monetary difference between medical retirement and active duty survivor benefits before assuming one is better than the other.

Retired military: Print out a copy of the Retiree pay statement. Read the bottom section about what benefit was selected. Identify whether the retired military spouse has opted for the Survivor Benefit Plan (SBP), which would pay a portion of the military retirement pay to the surviving spouse or other beneficiaries, and what percentage of his base retired pay will be covered. If the retired military spouse elected SBP coverage, there are online calculators to help you figure out the annual expected income based on what you see in this box.

## G. Employment

There are three scenarios:

- I am able to continue to work in my present position
- I would like to return to work
- I am unable to work (disabled or ill). The automatic assumption that a survivor returns to work will ruin a plan if that person is unable to do so.

Other considerations:

- Will you need retraining or education IF you ARE able to return to work?
- Do you have disability income insurance either through your own policy or through your employer? What are the benefits?
- How much income will be lost to child care? Would it be less expensive to hire a nanny?
- Will you need to hire a housekeeper? What will happen to your time and family if you take up this responsibility too?
- How much is your Social Security payment impacted if you do earn income?
- What costs of working would be new that are not presently part of the budget?

### Answers to these questions usually result in something like this example regarding Sophie and Ben:

Ben is the breadwinner. He was born in 1973 and makes \$100,000/year. Sophie is a stay-at-home mom. They have two children, 8 and 5. If Ben were to pass away, Sophie would like to be able to live at the household's present \$100,000/year. They have no other income sources.

(All of the numbers below are made up of typical examples):

#### Major Decisions:

1. **Home:** Sophie desires to stay in their present home, and pay off the mortgage to remove that expense from the family's income requirement. The balance on their mortgage is \$330,000 and their monthly payment (principal and interest only) is \$2,147.

2. **Income:** Sophie and Ben have decided it is best for their family for Sophie to care for the children at home. Sophie and Ben are currently living on \$100,000 per year, or \$8,333 per month.

Present Monthly Income: (\$100,000/Year divided by 12 Months/Year) \$8,333

Other Sources of Income: None

**Total Income:** \$8,333

Subtracting the monthly mortgage payment (principal & interest only) which is not required if the mortgage is paid off: (\$2,147)

**Shows that Ben and Sophie will still require a monthly income of: \$6,186**

How will Ben and Sophie acquire this additional income?

**Social Security Income:**

If Ben were to pass away and his last annual income was \$100,000, the monthly benefit amount for his survivors would be (These amounts are shown in the Social Security calculators online as of the date of publication of this handbook):

For a child:	\$1,671
For a spouse caring for a child:	\$1,671
For a spouse at normal retirement age:	\$2,229
Family maximum:	\$3,902

Social Security Income: The family maximum (for 8 yrs, when the first child reaches the age of 16). Subtract this from the Monthly Income still required (above): (\$3,902)

**The monthly income still required is: \$2,284**

Financial calculators will tell you that a total lump sum of \$550,000 will be required to supply this \$550,000  
\$2,284 income need.

The balance on the mortgage that Sophie intends to pay off is: \$330,000

Thus, the total lump sum Sophie will require for housing and income is: \$880,000

**Sophie and Ben's Assets:**

Savings	\$12,000
IRA's	\$60,000
401K	\$75,000
Ben's Life Insurance	\$250,000

**Sophie and Ben's Total Assets: \$397,000**

**Which means that Sophie and Ben are still short: \$483,000**

From this example, Sophie and Ben will need to purchase an additional \$483,000 of life insurance to meet their income and housing needs. With this additional life insurance, if Ben dies, Sophie will have enough money to pay off the mortgage and meet her desired monthly income need. Her monthly income will then be \$3,902 (Social Security) plus \$2,284 from her (now) \$550,000 in Total Assets or \$6,186 per month (without a mortgage payment).

In this example, we did not address any other desires like, for example, a college education fund for the children, or a payoff of debts. Sophie is receiving an amount from Social Security because her husband was an eligible worker, they have children she is caring for and she does not work outside the home. Here are some important considerations when including this income:

- If Sophie returns to work, her social security award will be reduced \$2.00 for every \$3.00 earned. Meaning her employment income will impact the amount of social security she receives.
- The social security income will diminish as each child turns 16, and will end payments to her when the youngest turns 18. She will be eligible again at age 62, if she has not remarried.

Remember that this example is just a rough estimate. There are many more sophisticated calculators and programs available, but our best recommendation is to work with a professional who can guide you through this process.

**Life Insurance and the Income it can Generate**

Most people are lulled into a false sense of security with what they perceive to be a large amount of money in benefits, without considering how far that amount will go in terms of income. LIMRA (Life Insurance Markets Assessment) International studies show Americans are the most poorly insured they have been in the last half century. Included here is a table to break that large number down to the monthly reality of what kind of income the amount will bring to a surviving family.

**If you buy this much death benefit coverage**      **\$50,000**    **\$100,000**    **\$250,000**    **\$500,000**    **\$1,000,000**

**You will have income as follows for each of the terms listed:**

Monthly income for 10 years, or	\$495	\$990	\$2,475	\$4,950	\$9,900
Monthly income for 20 years, or	\$292	\$585	\$1,463	\$2,927	\$5,855
Monthly income for 30 years	\$228	\$457	\$1,144	\$2,290	\$4,578

### III. Estate Planning

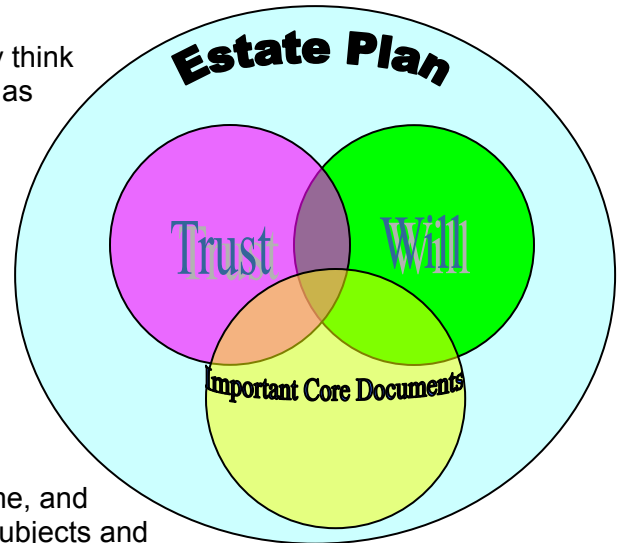
When most people think of “estate planning,” they think of wealthy family dynasties, and most don’t see it as applying to the average person. In fact, “estate planning” is simply the process which includes:

- nominating a guardian for your children,
- deciding what you want done with your personal effects,
- nominating someone to take charge of your affairs in the event of your death or incapacity.

It involves at minimum a Will and/or a Trust. Not planning ahead costs more in terms of money, time, and grief than spending some time discussing these subjects and setting your wishes down in writing with an estate planning attorney who specializes in Wills and Trusts.

In general terms, estate planning is just deciding in advance how you want your family to be able to live after you pass away.

In the next two sections, we will examine Wills and Trusts. Below is a high-level comparison of some of the key aspects of each.



#### IV. Wills

- Documents your intentions for the courts.
- Nominates a guardian for any children.
- Public Record.
- Requires probate to settle your estate.

vs.

#### V. Trusts

- Arrangement for management and distribution of your property.
- Nominates a guardian for any children.
- Non-published and non-public transfer of assets.
- Probate not required.\*

*\*Therefore, a court cannot override the decisions within*

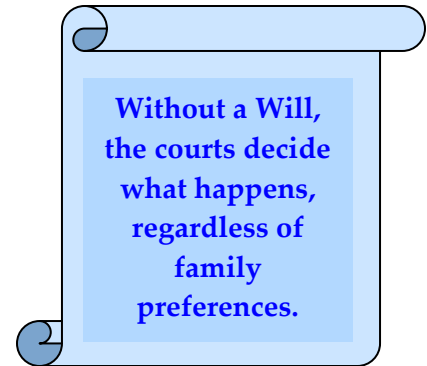
## IV. Wills

### A. What Is a Will?

The Will is the cornerstone of every Estate Plan. A Will is a document that lets the courts know what your intentions are. Without one, the court will make the decisions about what will happen, regardless of your family's preferences.

#### What types of Wills are there?

A "**holographic**" Will is one that is written in your own handwriting. It's better than nothing; but not all states will recognize its validity. Many states have templates for Wills online called "**statutory Wills**," which are a witnessed Will in a fill-in format (example: the California State Bar Association has one available through their website at <http://www.calbar.org>). Even this type of document should be prepared with a qualified attorney, and again, not all states will recognize its validity, and won't necessarily honor another state's statutory Wills. Consulting with an attorney will ensure that you obtain a Will which complies with the technical requirements of the state in which you reside.



#### What does a Will do?

Upon your death, a Will "speaks" for you – it doesn't matter if you stated your wishes to your relatives a thousand times. What the court believes is what it sees in the Will, which is an invaluable document that represents you and lets everyone know your final wishes. Therefore, having ANY Will is better than having NO Will.

#### Guardianship – Who will care for my children?

The FIRST THING a Will should do, in the case of families or individuals with minor children, is to nominate a guardian in the event that both parents are deceased. There are situations in which one person is nominated as the physical guardian, but another is named as the monetary guardian. This does not guarantee the court will agree with the nominations, but it is better than having the court determine who the pool of candidates are from which it will ultimately select. It also helps diminish the potential for family fights over the children, or having the court name someone as the guardian whom you would vehemently disagree with naming.

#### Where can I obtain an attorney-written Will?

If you are active duty, or retired military, you may use the Judge Advocate General's office for a simple Will. They will not be able to set up a Trust (more on that later).

If you are a civilian, attorney's fees for preparation of a simple Will range from \$200 to \$750. All attorneys should provide you with a complimentary meeting to determine the correct course of action, and the costs should be detailed before you proceed. The best way to find a good attorney is to get referrals from your financial advisor, life insurance representative, friends or co-workers who have used one and obtained honest, transparent and respectful guidance. The cheapest one out there is not necessarily the best choice, but neither is the most expensive one – it depends on their referrals and the service they provide.

## **B. Probate**

Probate is the process of “proving” the estate, and the intentions and directions of the decedent (the person who has died). It closes the estate to future creditor claims. It supervises the transfer of assets and guardianship.

### **What does “probate” mean and what does it do?**

Probate is from the Latin word “probare” and means “to prove.” What is being proved is that the Will:

- Was signed by its maker (Testator or Testatrix).
- Is the most current one (and has not been revoked).
- Was made by a legally competent individual (of sound mind and age 18 or older).
- Was made under lawful circumstances (witnessed by at least two competent witnesses, and not made under duress, fraud, undue influence or act of forgery).

### **To whom is the Will being proved?**

The Will is being proved at the Superior Court in the county in which the decedent resided at death, AND also in every place that the decedent owned real property at the time of death. Therefore, if you own a home in one state, a vacation home in another, and maybe a rental in a third, the Will might probate in three states.

### **Why does the Will have to be proved?**

The Court has to agree that the personal representative nominated to be Executor / Executrix can be appointed by the Court to carry out the decedent’s wishes as expressed in the Will, to ensure the decedent’s bills are paid and the property accounted for, transferred to, and then retitled in the beneficiaries’ names.

### **What happens if someone dies without a Will?**

The Court turns to State law and appoints a personal representative according to a prioritized list of people provided by the law, and they ultimately distribute the decedent’s property in shares according to a legally prioritized list of recipients.

### **What assets go through probate?**

The only assets that are subject to probate are those held in the decedent’s name *without designated beneficiaries* (unless they named their estate as the beneficiary).

#### **Probated Assets include:**

- Any inherited property (which was separately maintained in their name)
- Decedent’s home (his / her one half interest in community property NOT jointly owned with right of survivorship)
- Any interest in boats, airplanes, vacation homes as a tenant in common
- Any life insurance policy where the decedent named his / her estate as the beneficiary (instead of a person or entity)
- Any IRA or Qualified Plan whose beneficiary was listed as “the estate”



**Non-probate (means these transfer without Court approval or ruling) assets may include:**

- Any accounts registered as “Joint With Right of Survivorship” where the survivor remains alive
- Any accounts registered as “Payable on Death”
- Any IRA or life insurance policy where there is a named beneficiary
- Any property held in Trust (for example: A Revocable Living Trust)

**IMPORTANT TAKE-AWAYS on how assets or accounts or policies are registered:**

**IT DOES NOT MATTER WHAT THE CURRENT RELATIONSHIP STATUS IS OF A DECEDENT.** IF HE / SHE HAD AN IRA, LIFE INSURANCE POLICY, OR ANY ACCOUNT WHOSE BENEFICIARY IS LISTED AS A SPECIFIC INDIVIDUAL, AT THE DEATH OF THE DECEDENT, THAT SPECIFIC INDIVIDUAL IS GOING TO SOLELY OWN THE ASSET. No insurance company or investment company can overrule how the account is registered. There have been circumstances when people have divorced, remarried and forgotten to change their beneficiary designations, and the ex-spouse has remained the rightful beneficiary. People who were single have forgotten to change beneficiary designations from a brother or a sister to the new spouse. It is VERY important to check who the beneficiary is on those assets, and make updates as necessary.

**The registration of the accounts (how it is titled: such as JOINT WITH RIGHT OF SURVIVORSHIP or TENANTS IN COMMON, or IRA), and the beneficiaries listed on those accounts WINS OUT over anything the Will says!**

If there is NO beneficiary listed on an IRA, Qualified Plan, or life insurance policy, the default is the insured's / owner's ESTATE. This takes a non-probate asset and makes it a probate asset (costing the estate money in the process).

See a special section on BENEFICIARIES for more specific information.

**How long does Probate take?**

That depends on numerous factors. The personal representative can take advantage of something called, “The Creditor’s Claim Law.” In states like California and Washington, this law balances the desires of the creditors of the decedent to have the debts due them be paid, and the beneficiaries and heirs desires to have clear title to and receive their inheritance. (Check to see if your state has a law like this on their books by “Googling” the law name.)

The law puts into place a rigid procedure for everyone to follow, and provided that is followed, within four months, the creditors will have been notified, have sufficient time and opportunity to make claim against the estate, and the remaining assets can be distributed to the heirs.

THIS PROCEDURE IS ENTIRELY OPTIONAL AND NOT REQUIRED BY LAW. It takes a little effort, four months of waiting for the Statute of Limitations to expire and a small fee (\$100 in Washington State, for example). The BENEFIT IS THAT IT REDUCES THE TIME THAT CREDITORS HAVE TO FILE CLAIM FROM 24 MONTHS TO 4 MONTHS (dated from the time the notice was published).

In general, probate can last from 6-9 months with a personal representative who is knowledgeable and efficient, or 9-12 months with a personal representative who is less experienced or busy with work, or when a lot of tax is due. It wouldn't be unusual for it to last well beyond 18 months to 3 years depending on the complexity of the situation and the state laws and courts.

**What does Probate cost?**

Each state has different costs and a different way of assessing. Some are flat fees plus court costs, attorney costs (all billed by the hour), and personal representative fees. Some (like California) are based on the value of the entire estate (example: in 2009, a California estate of \$1 million had a basic probate fee of \$21,150 before attorneys or court costs). A reputable estate planning attorney can give you a good idea of both the time and the cost issues pertaining to your situation.

## **C. Important Documents to Have in Addition to a Will**

- **Durable Power of Attorney**
- **Living Will**
- **Durable Power of Attorney for Healthcare (Health Care Proxy)**

### **What is a Power of Attorney?**

It is often convenient, and sometimes necessary, to have someone else act for you. When you give that person authority to act for you, you give what is called a *power of attorney*. The powers you give can be specific, or general. You can authorize your agent to make health care decisions for you or your children, buy or sell things, collect on debts or manage a business, cash checks, invest on your behalf, etc. It can be written to either take effect immediately or delayed to some point in the future, which can either be a specific time or a specific occurrence of an event. It can last a limited time period, or indefinitely. It ends when you die, and is NOT a substitute for a Will.

### **What is a DURABLE Power of Attorney?**

Unless your power of attorney specifically says otherwise, your agent's power ends if you become mentally incapacitated. If it is set up to remain in effect in the event of future incapacity, it is called a *durable power of attorney*. These can be written to cover two scenarios: you want the agent to ONLY have authority in the event you can't act for yourself (but not before), or, you want the agent's power to take effect immediately and to continue in effect if you become incapacitated.

### **What is a Living Will?**

A Living Will is also known as a "Directive to Physicians" or "Advance Directive" (See Appendix C). This document directs what life-sustaining procedure(s) you want withheld or withdrawn if death from an incurable, terminal condition is imminent. You may also stipulate what you want done with your organs, and define the terms of what is "incurable", or "terminal".

### **What is a Durable Power of Attorney for Healthcare?**

In the event of your incapacity, you won't be able to make healthcare choices for yourself. It is also possible that you might not be married or that your relationship to the person to whom you would want information on your condition released to is not recognized by the state in which you are receiving care. This document allows your named agent / representative to make decisions about your healthcare, and to decide upon life-sustaining treatments. It also allows that individual to have information about your health status released to them.

### **Important Tips**

- Be very careful about relying on forms you have found online and have completed by yourself. You may find that your hospital, state, or bank / financial institution won't allow you to use them. It is best to have an attorney who is well-versed in this area of law, review whatever you come up with or have him / her prepare it for you.
- Some states have a registry or database for you to register your living Will. Some also have registries for a durable power of attorney for healthcare. If you use one of those, it's a good idea to tell your loved ones you've done that.

- Another great idea, if you have a smart phone, is to load the location of your documents in your Contacts. Some phones also let you load the actual document, or you can store those on a “cloud” server for your loved ones to access in an emergency. If you can access your email account from your phone, then send an email to yourself and attach the documents to that email. As long as you don’t delete them, those documents can be accessed from the phone in an emergency.
- More traditional methods of accessing the documents in an emergency include giving your doctor a copy of both the healthcare proxy and your living Will, and having your representative keep a mini copy of your durable power of attorney somewhere easily accessible.

## V. Trusts

### A. Trusts – What Are They and Do I Need One?

A Trust is an arrangement you make in advance for the management and distribution of your property. It can be for anyone's benefit: a surviving spouse, a spendthrift child, a minor, a special needs dependent, a charity...just to name the most popular. It lives on after the person who set it up dies, or it can be activated by a set of circumstances that a person decides upon in advance. Because it lives on after someone dies, it has several key benefits:

- Assets in a Trust do not go through probate (avoiding the time, expense, and court decisions which can overrule a Will). For people with assets in multiple states, you avoid probate in every state in which you own property.
- They are private (non-published and non-public transfer of assets; whereas Wills and probate ARE a matter of public record).
- They can be set up to minimize estate taxes (no matter how the laws change on this subject).
- They "live on" to provide prudent financial management for minor children or special needs dependents.
- A court cannot override the decisions within, because a court does not see it – since assets in it do not go to probate. This is key for naming guardianship (especially if someone wants to name a guardian who is a foreign citizen or a non-family person).
- They reduce in delays in delivering the assets of the estate to the survivors.

### B. Revocable and Irrevocable

A revocable Trust is one where the parties who created it still own and have use of the property, and can make any changes they want to the Trust and its design.

An irrevocable Trust removes the property from their control – it takes on a life of its own, according to how it was set up. You can't make changes to it after the fact, or it voids the protection this type of Trust provides.

#### Revocable Living Trust

Most commonly used are revocable living Trusts, which are a way to pass property on after you die. The Trust doesn't do anything to manage or control assets while the trustee is still alive; that person manages everything as if all was normal. No separate taxpayer ID number is required, and nothing changes in the filing of income taxes. There are no management or administration fees on the Trust because nothing happens until the trustee dies. The only difference is the titling of the assets – the Trust is listed as the owner, for the benefit of the trustee. When that trustee dies, the detailed instructions he / she provided are followed, and the property is managed and distributed according to those instructions.

During the trustee's lifetime, he / she can buy / sell or do whatever he or she wants with the property titled in the Trust's name (usually this name takes the name of the family, for example: *The Smith Family Revocable Living Trust, dated May 31, 2001*). Having to remember to title property in the name of the Trust is the major disadvantage, and having to provide copies of your Trust when you do buy property can be an inconvenience, but the benefit of having a Trust far outweighs this.

The cost of setting up a Trust depends on how complicated your situation is. A reputable attorney will guide you through a set of "If Then" questions to determine what type of, if any, Trust is appropriate for your circumstances and wishes. He/She should give you a price up front which should be all-inclusive (not billable hours related). Make sure that all subsequent meetings, phone calls, photocopying, mailing, etc. are included in the price. That way you won't feel hampered from calling with questions and clarification during the process of designing it.

Cost varies with where you live, how complicated your situation is and how much work is involved in retitling your assets. A good set of Trust documents will include: Your Living Will, Durable Power Of Attorney, Healthcare Proxy, a Pour-Over Will (if you forget to put something you bought in the name of the Trust, this document says you meant to and does it for you), and the Trust documents themselves. It will range in cost from \$750 to \$3,500, on average.

If you choose to set up a Trust, it must be reviewed on a regular and periodic basis. The tax laws and estate tax laws are NOT fixed, and can be changed by Congress at any time. What you set up today may be void or obsolete within five years. It is important to ask about follow on costs with your attorney and build that into your budget, and to set a date with yourself to review these documents, your stated beneficiaries, your life insurance and other benefits, on at least an every other year basis (or whenever a life or income or asset change happens).

## VI. Pulling Your Team Together

**Note:** The following is not intended to direct our members to anyone specific. It is designed to explain the advice likely to be obtained from various sources given their training and licensing, and provide a starting point for the search for a credentialed individual who can help in the areas this handbook covers.

### A. Meeting with an Advisor

- Most people find financial advisors through referrals from friends and co-workers.
- You can also find them through organizations like the Financial Planning Association ([www.fpanet.org](http://www.fpanet.org)), who maintains a list of professionals in your area with a focus on financial planning, or the Certified Planner Board of Standards ([www.cfp.net](http://www.cfp.net)), who grant the CFP® certification (not an exhaustive list: there are many organizations who list people who meet their qualifications for financial planning, and put the contact names online at their websites).
- There are broad categories of advisors and professionals who can help you put together your documents and plan of action: Advisors, Planners, and Agents

**Financial Advisors** are licensed through the Financial Industry Regulatory Authority, the largest independent regulator for securities firms. People who conduct business involving stocks, bonds, mutual funds, annuities (i.e. wealth management) will hold at least two licenses, one in securities they focus on, and one on the laws pertaining to the sale of securities. In order to earn the title of “advisor”, they must hold one additional license, which changes their title from “Registered Representative” to “advisor.”

**How they are paid for their service:** They may charge fees for service, a percentage of assets under management, or commissions. Under very rare circumstances they might be salaried. Stockbrokers and bank wealth managers might not focus any of their business on insurance at all – you should ask what percentage of their business is in full financial planning, and what percentage of their experience and business is focused on insurance.

**Fee Based and Fee Only Financial Planners** are likely to be licensed as above, and likely to be licensed in Life, Health and Disability and Long Term Care insurance. They should meet first with you at no charge to determine the scope of the work you want to do with them, how it will be delivered, and what it will cost. They should be able to show you examples of what you might receive. Fee only planners only create a plan for you, but do not implement any of the recommendations (i.e. make no product recommendations or help you execute. Their recommendations will be generic, such as “Buy \$100,000 more Life Insurance on Wife”, but not specific as to type or company or price.) . Fee based planners might do both, but under separate agreements with you so there is no requirement to make a purchase through them of any product they might recommend.

**How they are paid for their service:** They may charge a fee for service, a flat fee for a plan (determined after they and you come up with the scope of the plan), or a percentage for assets under management in the case of fee-based planners. Some assess a retainer payable annually or quarterly. Many will adjust their pricing according to what the client needs done, and how extensive the planning is. Some have set fees in accordance with the family income. This is all negotiable.

**Insurance Agents** are licensed by the states in which they practice to represent anywhere from one to many insurance companies. Those operating as “captive” agents may only

represent the products of one company. Those operating as “brokers” can represent many companies and their products. They help determine your need for insurance both now and in the future, and help explain the pros and cons of the different products. They should help you through the process of application, underwriting, and service after purchase, to include updating beneficiaries.

**How they are paid for their service:** By commissions built into the pricing of the policies. There is no fee for additional service after purchase. Commissions are largely the same across all of the companies. The differences in prices of policies are related to the company’s financial strength, the claims experience, and how they underwrite.

## **B. Meeting with an Attorney**

Again, most people find an attorney who specializes in estate planning or Wills by asking their friends or coworkers for a referral. Most financial advisors, planners, and agents have knowledge of attorneys who specialize in this area of the law and can make referrals.

You do not need a large estate to meet with attorney! If all you need is a simple Will, they will execute that for you. If you need more detailed planning, they will recommend more as is appropriate according to your circumstances. The first meeting with an attorney is complimentary.

In this first meeting, you will share details about your family and a general idea of your wishes. The attorney will explain the options with the pros, cons, and costs of the arrangements that can be made. Most will quote you a comprehensive price: meaning it will include all the documents we talked about in this handbook, all the meetings and phone calls and any other communication with the lawyer during the process of completion. He / she will send you home with “homework” which might be a packet of questions to answer about what you want to happen in a set of circumstances.

It is likely that you will need a minimum of two meetings – the first one to outline desires and the last one to sign and witness the final document. Otherwise the rest can be done via email and phone call.

Finally, it is normally LESS expensive to set up a basic Trust, which will include a Will, Healthcare proxy, and Durable Power of Attorney, than to do a Will and have the estate go through probate later on. Consider the long term costs when you are considering your options.



## VII. Preparation for the Important Documents Checklist

### A. Where to Begin?

Now that you've established your vision and started to implement that vision with your team of advisors, it's time to document your plan. You can make life easier for your executor and survivors by putting together a notebook where your family can find important information like bank account numbers, passwords, insurance policy declarations, military orders and forms, birth certificates and so forth.

You probably already have the original information in various locations: file cabinets, a fireproof box, or a safe deposit box. It is important you keep a copy, inserted in page protectors of any important information, and place all of these in a binder. You would want to keep the binder in a locked cabinet or a fireproof box/safe, but make sure your loved ones know where to find the key!. Don't forget an electronic scan, if you have a scanner, of the important documents and note where your family can find the originals. Survivors have shared that having one place to go to for information greatly helped them during their time of mourning. It was certainly much easier than having to spend time trying to track down paperwork they needed to file for claims and benefits and to update accounts.

A complete list of important documents can be found at the end of this section; however, here is a summary of some of the things you should consider and begin collecting:

- **Step 1: Declaration and beneficiary information:** For each insurance policy and financial account, contact the company today and request the current beneficiary designation form. This will provide you with an excellent opportunity to make sure this information is accurate and up-to-date. Many of us remember to add beneficiary information to investment accounts, but forget about regular checking and savings accounts. Make sure if checking and savings accounts are held individually, rather than jointly, that you have listed your spouse or other beneficiary as "Payable on Death" so that they can access the money in case you are no longer around. Make sure you are aware of any bank account and credit card insurance policies to which you are entitled, as well as exclusions, as many policies exclude payouts if the owner died while piloting an aircraft.
- **Step 2: Financial Institution/Utilities Statements:** Make a copy of a statement from each of your financial institutions (banks, investment companies, credit card companies, lenders, utilities, cell phone, etc.). You just need the page that has the customer service number/account, which you could even highlight. You don't want to be digging through folders in your filing cabinet to find the phone numbers for customer service.
- **Step 3: Information which will be needed for the death certificate:** When did you first move to your current address? It seems like a simple question but your brain isn't working normally during extreme shock and sorrow and for those of us who moved a lot, it's sometimes hard to remember just how long you've lived at a current address. You will also need to know spouse's mother's maiden name and place of birth and middle name for both spouse's parents. We've included a blank death certificate, so you'll know what information you might need.

- **Step 4: List of emergency contacts:** Have a list of emergency contacts and close family members with home phone and cell numbers. Plan to have a trusted friend or close family member make the phone calls informing friends, relatives, and colleagues of the death of your loved one. Even if you have the numbers memorized, spouses who have been left behind have stressed that your brain just won't be working at full capacity and you may not remember the phone numbers. Plus, you will need help with all of your arrangements, and being able to hand someone a phone list as you ask them to complete phone calls and other tasks is a great help.
- **Step 5: ALL Email and internet accounts and passwords:** Make sure you know each other's email and internet accounts and passwords. Customer service for email and social media sites like Facebook, MySpace, etc. may be less than helpful when you try to close a deceased spouse's, or significant other's, account.
- **Step 6: Picture for the obituary as well as what you'd like to say in it:** This may seem bizarre, but it is very hard to think about this when you're at the mortuary picking a casket, deciding on a headstone and trying to answer all the important questions for the death certificate. One widow shared that she didn't even think to bring a picture of her husband to the funeral home, but happened to have one in her wallet, otherwise someone would have had to return to the funeral home to provide one for the obituary. She also mentioned that there were many people who wanted to make donations to charitable causes, in her husband's memory, but she didn't think to include a request for donations to the SETP Scholarship Foundation, the SETP Foundation or other worthy cause in her husband's obituary. We've included information in Section V, Paragraph 11 to help you get thinking about the type of information you might want to include in an obituary. You might even consider writing it now and keeping it up to date. Yes, both of you, in the event that something happens tomorrow. When the inevitable does happen, wouldn't it be nice if your obituary says what you want it to say, and you have a picture already available. Your loved one, at the time, will sure appreciate having it already completed, with a picture embedded in it. Collecting this information beforehand can also be helpful in case your loved one's death becomes a news item. If you can find out now how your spouse would like to be remembered and write it down, you can hand this to your friend, family member or spokesperson to hand to the press.

## B. Important Documents Checklist

No matter what your Estate Plan, you can make life easier for your executor and survivors by putting together a notebook with the following information. Much of this information typically would be contained in a "Letter of Last Instructions." You may already have this information in various locations around your house, for example file cabinets, a lock box, etc. However, by putting all of this information in one place (and letting people know where it is in advance), you can help ensure that things will go much more smoothly in the event a death occurs. (NOTE: Because this notebook will contain a lot of sensitive information, you are encouraged to keep it behind lock and key).

### 1. Insurance

*Make a copy of the Declaration/Cover page of each of the following and note the location of the original. Include addresses and contact information.*

- Life insurance policies (including beneficiary designation)  
Location of original declaration/cover page: \_\_\_\_\_
- Veterans Group Life Policy (If Serviceman's Policy was converted)  
Location of original declaration/cover page: \_\_\_\_\_
- Disability insurance policies  
Location of original declaration/cover page: \_\_\_\_\_
- Medical and dental insurance policies  
Location of original declaration/cover page: \_\_\_\_\_
- Health/dental insurance membership cards  
Location of original \_\_\_\_\_
- Long-term care insurance policies  
Location of original declaration/cover page: \_\_\_\_\_
- Home owner's/rental insurance policies  
Location of original declaration/cover page: \_\_\_\_\_
- Auto insurance policies  
Location of original \_\_\_\_\_
- Umbrella liability insurance policies  
Location of original \_\_\_\_\_

## 2. Assets

### *Property*

- Copy of deed for home (this is issued at the time you close on a house, and is with your closing paperwork)  
Location of original \_\_\_\_\_
- Copy of deed for car(s)  
Location of original \_\_\_\_\_
- Copy of deed for other real estate  
Location of original \_\_\_\_\_
- Asset appraisals  
Location of original \_\_\_\_\_
- Business documentation, for example buy-sell agreements, employment contracts  
Location of original \_\_\_\_\_

### *Financial Accounts*

- List and/or copies of savings bonds, including value and who they were issued to.  
Location of original: \_\_\_\_\_
- List and/or copies of stock and bond certificates  
Location of original: \_\_\_\_\_
- Copy of a recent statement (with account number, address and contact phone number) for:
  - Checking accounts – (Include user name and password for online access)
  - Savings accounts (Include user name and password for online access)
  - Investment accounts (Include user name and password for online access)
  - Retirement accounts (Include user name and password for online access)
  - College savings accounts for dependents (Include user name and password for online access)

**NOTE: IF ACCOUNTS ARE NOT HELD JOINTLY, IT IS IMPORTANT THAT A “PAYABLE ON DEATH” OR “TRANSFER ON DEATH” BENEFICIARY DESIGNATION BE MADE SO YOUR PARTNER/DEPENDENTS HAVE IMMEDIATE ACCESS TO NECESSARY FUNDS.**

- Primary and contingent beneficiaries for (list company, account number and beneficiary for each):
  - IRAs
  - Retirement plans (including Thrift Savings Plan, if applicable)
  - Annuities

- Non-qualified deferred compensation plans
- Qualified pension plans
- Other employer-provided plan
- Military Survivor Benefit Plan (if applicable)

**3. Debts**

- Mortgage/loan information or discharge paperwork (Include user name and password for online access)
- Auto loan statement (Include user name and password for online access, if applicable)
- Auto lease agreement (Include user name and password for online access, if applicable)
- Student loan statement (Include user name and password for online access, if applicable)
- Credit card statements (Include user name and password for online access, if applicable)
- Other secured or unsecured loan statements (Include user name and password for online access). Also include user name and password for online access, if applicable.

**4. Income**

- Copy of a recent pay statement  
Location \_\_\_\_\_
- Retired pay data and addresses  
Location \_\_\_\_\_

**5. Expenses**

- Copy of utility and other bills with account numbers and phone numbers (and how they are paid if paid automatically via bank account or credit card)

**6. Estate Planning**

- Wills  
Location of original \_\_\_\_\_
- Durable power of attorney  
Location of original \_\_\_\_\_
- Medical power of attorney  
Location of original \_\_\_\_\_
- Health care proxy  
Location of original \_\_\_\_\_
- Trust documents

Location of original \_\_\_\_\_

- Letter of specific bequests

Location of original \_\_\_\_\_

- Ethical Will

Location of original \_\_\_\_\_

- Annuity Claims such as Survivor Benefit Plan (SBP)  
Include Beneficiary and Contact Information

Location of original \_\_\_\_\_

## **7. Personal Data – Make Copies of**

- Birth Certificate

Location of original \_\_\_\_\_

- Social Security Card

Location of original \_\_\_\_\_

- Marriage license

Location of original \_\_\_\_\_

- Marriage Certificate

Location of Original \_\_\_\_\_

- Divorce Decrees from previous marriages

Location of Original(s) \_\_\_\_\_

- Prenuptial agreement

Location of original \_\_\_\_\_

- Passport

Copy of original \_\_\_\_\_

- Copies of Income Tax Returns (Previous Seven Years)

Location of originals \_\_\_\_\_

- Summary of critical medical information (including family history)

- Cemetery plot information

- Funeral instructions

- Obituary information

- If military or former military, ensure enrollment in the Defense Eligibility Enrollment Reporting System (DEERS), which is required for obtaining military benefits, for example, healthcare.

- Military

DD-214 (U.S.A.) Release or Discharge from Active Duty or Equivalent Papers

Location of original \_\_\_\_\_

Retirement Orders

Location of original \_\_\_\_\_

Date of Transfer to the Retired Reserve: \_\_\_\_\_

Retired Rank/Pay Grade: \_\_\_\_\_

Age at Retirement: \_\_\_\_\_

Date of Initial Entry in Military Service (DIEMS): \_\_\_\_\_

Retired Pay and Annuities

Location of original \_\_\_\_\_

Military Installation Information:

Name: \_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Name: \_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

- Organ donor card

Location of original \_\_\_\_\_

- Adoption papers

Location of original \_\_\_\_\_

- Citizenship or Naturalization papers

Location of original \_\_\_\_\_

**8. Family Information**

Husband's Name: \_\_\_\_\_  
Birth date: \_\_\_\_\_  
Birth location: \_\_\_\_\_  
SSN: \_\_\_\_\_

Husband's Mother's Name \_\_\_\_\_  
Mother's Birth date: \_\_\_\_\_  
Mother's Birth location: \_\_\_\_\_

Husband's Father's Name: \_\_\_\_\_  
Father's Birth date: \_\_\_\_\_  
Father's Birth location: \_\_\_\_\_

Wife's Name: \_\_\_\_\_  
Birth date: \_\_\_\_\_  
Birth location: \_\_\_\_\_  
SSN: \_\_\_\_\_

Wife's Mother's Name: \_\_\_\_\_  
Mother's Birth date: \_\_\_\_\_  
Mother's Birth location: \_\_\_\_\_

Wife's Father's Name: \_\_\_\_\_  
Father's Birth date: \_\_\_\_\_  
Father's Birth location: \_\_\_\_\_

**Who is dependent on you for their support (child, parent, other)?**

Name: \_\_\_\_\_  
Birth date: \_\_\_\_\_  
Birth location: \_\_\_\_\_  
SSN: \_\_\_\_\_

Name: \_\_\_\_\_  
Birth date: \_\_\_\_\_



Birth location: \_\_\_\_\_

SSN: \_\_\_\_\_

Name: \_\_\_\_\_

Birth date: \_\_\_\_\_

Birth location: \_\_\_\_\_

SSN: \_\_\_\_\_

Date moved to the current address (for death certificate): \_\_\_\_\_

## 9. Emergency Contacts

Create a phone tree. Think about key people who will notify others for you

Name	Phone/Address
Husband's Parents	
Wife's Parents	
Sister/Brother	
Sister/Brother	
Sister/Brother	
Friend 1	
Friend 2	
Friend 3	
Friend 4	
Relative 1	
Relative 2	
Relative 3	
Relative 4	

Advisors	
Church/Pastor	
Children's school	
Family doctor #1	
Family doctor #2	
Financial Advisor	
Lawyer 1	
Lawyer 2	
Lawyer 3	
Accountant	
Husband work information	
Wife work information	

Other Contacts	
Military	
Pension	
Business/Association	

## 10. Funeral/Burial Instructions

- Document if you have a preference for burial or cremation

### **Notes:**

If your loved one is being buried, what do they want to wear?

Do they want to be buried with their wedding ring on?

Do they want their flight helmet in their casket with them?

Anything else?

### **Planning Wisely for a Funeral**

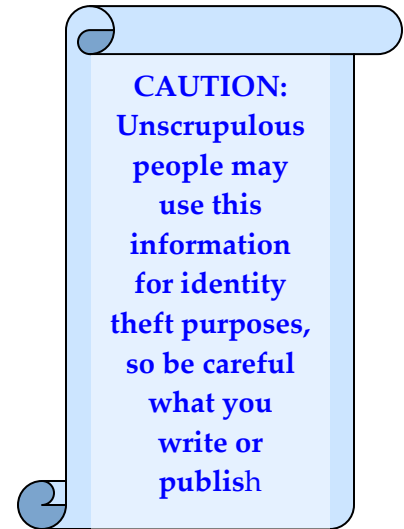
- Plan ahead
- Shop around and compare prices in advance
- Ask for a price list
- Resist pressure
- Avoid emotional overspending
- Recognize your rights
- Apply smart shopping techniques you'd use for other major purchases

- Determine which charitable organization or fund should receive donations in your loved one's name (The SETP Foundation or the SETP Scholarship Foundation? Note that both of our Foundations can hold donations for later submittal to the charitable organization of your choice.)
- Burial location
- Memorial type and inscription
- Determine casket type
- Vault or crypt
- Type of service (religious, military, fraternal)
- Special selection(s) from scriptures
- Special music for the service

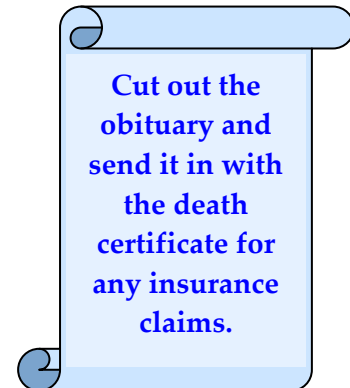
## 11. Obituary Information

(Note: You might want to create two versions, a lengthy one and a one-paragraph version.)

- First paragraph
  - Name
  - Address (city/state)
  - Age
  - Date of death
  - City and state of death
- Second paragraph
  - Date of birth
  - Place of birth
  - Parents' names
  - Educational accomplishments
  - Military service, if applicable
  - Wars or conflicts in which he/she served
  - Where stationed if overseas
  - Marriage(s)
  - Residential history
- Third paragraph
  - Post high school education
  - Degrees earned
  - Licenses held
- Next paragraph
  - Work history and affiliations
- Next paragraph
  - Church membership and organizations within the church
  - Civic memberships
  - Fraternal memberships
  - Club memberships
  - With all the above, include positions or offices the person may have held
  - Hobbies
  - Other interests
- Next paragraph



- Survivors, include spouse in parentheses and city and state of residence
- Spouse
- Children
- Grandchildren
- Great-grandchildren
- Parents
- Grandparents
- Brothers
- Sisters
- Nephews
- Nieces
- Cousins
- Friends
- List family that preceded him/her in death, usually spouse, parents, children, grandchildren, great-grandchildren, brothers and sisters
- Next paragraph
  - Service: include date, time and place
  - Name of officiate and title
  - Place of burial/entombment
  - Visitation information, if applicable
  - Memorial services held by others
  - Vigil or prayer services being held
- Next paragraph
  - Listing of any memorial funds that may be been established and for what causes or organizations
- Next paragraph
  - Mention of any people or groups you wish to publicly thank for care given



For samples, see <http://www.Elegantmemorials.com> and <http://www.Lippertfuneralhome.org>.

### Internet/Financial Accounts: Logins and Passwords

Account	Login	Password

### C. Keeping it Relevant

#### 1. Who Should have Copies and Where Should They Be Stored?

- Best practice says anyone who would have a requirement to serve your family in the event of a death or incapacitation should either have a copy of the Important Document Checklist (Section B above) or be able to access one.
- Your attorney should have a copy on file of any completed Wills or Estate Plans, and updates.
- Your doctor(s) should be asked if they would like a copy of your Healthcare Proxy.
- The proxies themselves should have a copy they can access in case of emergency. These can be kept on a smart phone in documents, or on a flash drive.
- Always keep a copy in a page protector, and stored in a fireproof safe. If you choose to keep one offsite, make sure the people who need it know the location and the Username, Password, etc. for access.
- A copy can be made digitally, but store this on a flash drive, or an external hard drive. DVD copies degrade with time.
- There are registries within the state(s) to record Living Wills and Healthcare proxies. Information on them can be obtained by simple word searches online.

## **2. When Should They Be Updated or Revised?**

Any time there is a major change to your family's situation:

- Addition of family members (like a birth of a child)
- Change in assets (like buying another home, or a vacation property)
- Prior to separation and divorce
- After divorce is finalized

In the case of an Estate Plan:

- Most likely every two years as the estate tax laws change
- Anytime there is a family situation change as above

## **3. How Should Updates and Revisions Be Done?**

It is best to review the documents with the professional who helped create them. If that person is not available, another professional can review them prior to your appointment, in which you discuss the changes the professional would recommend based on your family's desires and circumstances.

The process and cost of review should be something discussed at the establishment of the relationship initially.

## VIII. In Case of Death

### A. What You Need to Do

This section has been created to help you complete the many tasks that need to be accomplished after a loved one dies. Hopefully you've already made the preparations we've recommended, which will make many of these things go much more smoothly.



**First Step:  
Take care of  
yourself so  
you can take  
care of others!**

**First Things First! Take care of yourself so you can take care of others.** In addition, in talking with people who have gone through the process of settling a loved one's estate, they have made the following recommendations:

- **Friends: It is very important not to try to do everything yourself.** Designate one or two friends to assist you with carrying out some of the tasks below. Others can assist with making phone calls, organizing the memorial service, assisting with travel details for out-of-state family and friends and writing the obituary, if it's not already completed. Obviously, you have the final say. If your loved one's death is a newsworthy event, you might also want to designate a friend to talk to the press.
- **Business cards:** Take a business card from everyone you deal with, especially financial institutions. It is much easier to call back and talk to someone who you've already talked to and knows what you're going through. You don't want to have to keep repeating "your story".
- **Bereavement leave:** If you are employed and feel you need extended time off, contact your Human Resources Department right away to apply for "Bereavement Leave". You may have to see your doctor first. Survivors have told us that they are grateful for the time to off to sort through all the paperwork and have time to grieve.
- **Death certificates:** Request 5 to 10, or more, death certificates. Everyone seems to want one. Although many institutions return them right away or will accept a faxed one, you don't want to hold up paperwork because you don't have a death certificate to prove your spouse's death.



- **Notifications:** It is very important that **YOU** notify the military Defense Finance and Accounting Services (DFAS), The Veteran's Administration, Social Security, credit reporting agencies (Equifax, Experian and TransUnion), credit card companies and your Department of Motor Vehicles, or the equivalent in your area, of your spouse's death. Unscrupulous people read obituaries and will happily try their luck at identity theft. As of the date of the writing of this publication, the contact information for the above mentioned credit agencies are: (The included web links should be referenced for the most up to date information):
  - Equifax  
P.O. Box 740256, Atlanta, GA 30374-0256. (800) 685-1111  
<http://www.equifax.com>
  - Experian  
P.O. Box 9556, Allen TX 75013. (888) 397-3742  
<http://www.experian.com>
  - TransUnion  
P.O. Box 1000, Chester, PA 19022. (800) 916-8800  
<http://www.transUnion.com>
- **Probate Duties:** Once a person is appointed through the probate process (read the Frequently asked Questions in Appendix B regarding probate), certain duties have to be completed on behalf of the Estate:
  1. Collection, inventory and appraisal of all assets that are subject to probate.
  2. Paying the bills, to include taxes, estate expenses and creditors.
  3. Formal transfer of estate property according to the Will or by intestacy laws (no Will).
  4. Final accounting.

## **B. Time Line Checklists**

These are meant only as a guide. It is broken down in further detail below.

**CHECKLIST IN CASE OF SPOUSE'S DEATH**

Page 1 of 3

<b>CRITICAL</b> <b>(Day 1 - 5)</b>	<b>IMMEDIATE</b> <b>(Day 5 - 14)</b>	<b>SHORT TERM</b> <b>(30 - 60 Days)</b>	<b>LONG RANGE</b> <b>(More than 60 Days)</b>
<p><b>NOTIFICATIONS</b></p> <ul style="list-style-type: none"> <li>• Family</li> <li>• Friends</li> <li>• Pastor</li> <li>• Work – Your spouse’s and yours (ask for bereavement leave if appropriate)</li> <li>• Contact children’s schools to notify them of the parent’s death</li> <li>• Veterans Administration, if military honors are requested for the funeral</li> <li>• <b>Designate a friend</b> to assist you with in the near term arrangements. You have the final say, but you can’t do everything yourself.</li> </ul>	<p><b>NOTIFICATIONS</b></p> <ul style="list-style-type: none"> <li>• Obituaries                             <ul style="list-style-type: none"> <li>➤ Local and Hometown Papers</li> </ul> </li> <li>• Advisors                             <ul style="list-style-type: none"> <li>➤ Doctors</li> <li>➤ Lawyer, Accountant, Financial Advisor</li> </ul> </li> <li>• Government Agencies:                             <ul style="list-style-type: none"> <li>➤ Social Security Administration</li> <li>➤ Department of Motor Vehicles (or equivalent)</li> <li>➤ Military Pass and ID (if applicable)</li> </ul> </li> <li>• Insurers:                             <ul style="list-style-type: none"> <li>➤ Life Insurance</li> <li>➤ Medical, Dental and Vision Insurance</li> <li>➤ Survivor Benefit Plan(if former military)</li> </ul> </li> </ul>		<p><b>NOTIFICATIONS</b></p> <ul style="list-style-type: none"> <li>• Delete partner’s email accounts and social media accounts (Facebook, Twitter, etc.) when you are ready.</li> <li>• Alumni Association(s)</li> <li>• Professional Organizations</li> <li>• Post Office</li> <li>• Physician, dentist, pharmacy, etc.</li> </ul>

**CHECKLIST IN CASE OF SPOUSE'S DEATH**

Page 2 of 3

<b>CRITICAL</b> <b>(Day 1 - 5)</b>	<b>IMMEDIATE</b> <b>(Day 5 - 14)</b>	<b>SHORT TERM</b> <b>(30 - 60 Days)</b>	<b>LONG RANGE</b> <b>(More than 60 Days)</b>
<ul style="list-style-type: none"> <li>• <b>MEMORIAL SERVICE or Funeral</b> <ul style="list-style-type: none"> <li>➤ Mortuary Arrangements</li> <li>➤ Cemetery Arrangements</li> <li>➤ Pastor</li> <li>➤ Program</li> <li>➤ Traffic Control/Parking</li> <li>➤ Audio Visual</li> </ul> </li> </ul>	<p><b>REVIEW LEGAL DOCUMENTS</b></p> <ul style="list-style-type: none"> <li>• Trusts, if applicable</li> <li>• Will, for special requests</li> <li>• Divorce Decree (if applicable)</li> </ul> <p><b>FAMILY FINANCE NOTIFICATIONS</b></p> <ul style="list-style-type: none"> <li>• Banks</li> <li>• Credit Cards</li> <li>• Credit Agencies (TransUnion, Equifax, Experian)</li> <li>• Other charge cards</li> <li>• Other loans or creditors</li> </ul>	<p><b>REVISE LEGAL DOCUMENTS</b></p> <ul style="list-style-type: none"> <li>• Trust, if applicable</li> <li>• Will</li> </ul> <p><b>FAMILY FINANCE</b></p> <ul style="list-style-type: none"> <li>• Update cell phone account.</li> <li>• File a tax extension if necessary</li> <li>• Pay some or all of household and utility bills (request help from a friend, if needed)</li> <li>➤ Reassess your insurance needs</li> <li>• Meet with a Financial Advisor</li> <li>• Meet with an Accountant</li> <li>• Meet with a Mortgage Representative</li> </ul>	<p><b>BENEFICIARY REVIEW</b></p> <ul style="list-style-type: none"> <li>• Investments</li> <li>• Insurance</li> </ul> <p><b>FAMILY FINANCE</b></p> <ul style="list-style-type: none"> <li>• Update Club/Gym Memberships</li> <li>• Update Magazine Subscriptions</li> <li>• Update Professional Organization Memberships</li> </ul>

**CHECKLIST IN CASE OF SPOUSE'S DEATH**

Page 3 of 3

<b>CRITICAL (Day 1 - 5)</b>	<b>IMMEDIATE (Day 5 - 14)</b>	<b>SHORT TERM (30 - 60 Days)</b>	<b>LONG RANGE (More than 60 Days)</b>
<p><b>OTHER</b></p> <ul style="list-style-type: none"> <li>• Begin constructing a contact list of people and phone numbers (If you don't already have one)</li> <li>• Take a business card from everyone with whom you come into contact, and keep it in a binder</li> </ul>		<p><b>OTHER</b></p> <ul style="list-style-type: none"> <li>• Have your car serviced (for peace of mind)</li> <li>• Yard Upkeep – call on friends and family for help if necessary</li> <li>• Home Repairs – call on friends and family if necessary, or hire a professional as needed</li> </ul>	

## C. Applying for Benefits

### 1. Social Security

Most survivors are ONLY entitled to some form of Social Security benefits IF THEY ARE OVER 62 YEARS OF AGE, but they are not paid automatically. You must apply for Social Security benefits, by using the required forms and furnishing the required documents within a specific period of time.

Documents You'll Need to Claim Social Security Benefits:

ORIGINAL Death Certificate with Official Seal on it

Social Security Card for the deceased

Copy of the marriage certificate

Birth certificate of the applicant

Birth certificate of the deceased

Birth certificate of any minor children

Disability Proof of disability, if applicable, for children over the age of 18

Receipted funeral bill (if the applicant is other than the surviving spouse)

Proof of support for the applicant's parent or husband

#### Death Benefit

The surviving spouse will receive a lump sum payment if he or she was living in the same household with the deceased at the time of death, which is \$255.00. If there is no qualified surviving spouse, the payment can only be made to eligible children.

#### Survivor's Payments

The widow, dependent widower, children and dependent parents of the deceased may be eligible for monthly survivor's payments. Contact Social Security for additional information at 1-800-772-1213.

Social Security survivor's benefits can be paid to:

- A widow or widower: Full benefits at full retirement age, or reduced benefits as early as age 60.
- A disabled widow or widower: As early as age 50.
- A widow or widower at any age if he or she takes care of the deceased's child who is under age 16 or disabled, and receiving Social Security benefits.
- Unmarried children under 18, or up to age 19 if they are attending high school full time. Under certain circumstances, benefits can be paid to stepchildren, grandchildren, or adopted children.
- Children at any age who were disabled before age 22 and remain disabled.
- Dependent parents age 62 or older.

**Note:** If you are divorced, you may still qualify for survivors benefits.

## **2. Veteran's Benefits**

As an honorably discharged veteran from the Air Force, Army, Navy, Marines, or Coast Guard, your Estate may be entitled to:

- a. A burial allowance limited to \$300.00 for expenses for burial and funeral of the deceased. (This allowance will be paid only for veterans who were entitled to receive Veterans Administration pension or compensation.)
- b. An allowance of \$150.00 payable towards the burial plot expenses of a Veteran who is not buried in a national cemetery. (This allowance will be paid only for veterans who were entitled to receive a Veterans Administration pension or compensation.)
- c. A burial flag that can be given to next of kin or friend of deceased. You will have to fill out a lot of forms for this.
- d. Bronze Memorial or headstone.
- e. Presidential Memorial Certificate.

Veteran's benefits are frequently altered and revised. There may also be Veterans benefits from your county. To determine your eligibility, or to file your claim, write to:

Department of Veterans Affairs

810 Vermont Avenue, NW

Washington, DC 20402

or call (202) 872-1151.

### **How to File a Claim for Veteran's Benefits**

The following forms must be submitted:

- a. Veteran's Discharge Papers
- b. Certified copy of the Death Certificate
- c. Itemized funeral bill with receipt for payment

### **3. The SETP Scholarship Foundation**

Since 1967, the (nonprofit) Society of Experimental Test Pilots Scholarship Foundation has ensured that children of deceased or disabled SETP members can attend college. The Scholarship Foundation has awarded more than \$2 million in scholarships to over 150 students since its inception.

These scholarships are not need or merit-based. Rather, any child of a deceased or disabled SETP member is entitled to these benefits, provided, once enrolled in college, students make adequate progress.

SETP Headquarters will contact the family of the deceased or disabled member to obtain information about children and when they will attend college. SETP Headquarters may be contacted at (+1) 661-942-9574 or by writing:

The SETP Scholarship Foundation

P. O. Box 986

Lancaster, CA 93584-0986

Their email address is: [setp@setp.org](mailto:setp@setp.org)

### **4. Insurance**

To make a death claim, call your agent. If you do not have an agent, you need the family member's social security number OR the policy number. It is better to use the social security number because then all policies associated with that number will come up in the database of most companies. You will also need a certificated copy of the death certificate (a raised seal original) for each claim you are making.

The agent will assist in filling out the necessary forms. If you do not have an agent, the company will send forms to you and their customer service department should be able to help you fill it out.

To file an insurance claim with your family member's employer-paid insurance, there are a couple of ways: either Google the company to get their Human Resources phone number, or you can go online to see what benefits are available. For example, Boeing provides employer-paid life insurance up to a specified amount (which is listed in the employee's summary of benefits that they get once per year, in the fall, and also located online at the employee's website for the company). This is through one company (Aetna), which requires you phone that company for assistance with a claim. If that employee has purchased additional voluntary group coverage, this is through a different company (MetLife), and a separate claim needs to be made with them. Each company has its own forms to fill out. Each will require a raised seal death certificate.

## Appendix A: Glossary of Terms

<b>Administrator</b>	When a person dies without a will, the court appoints someone to settle the debts, pay any taxes and funeral expenses, and distribute the remainder according to the court's decision (guided by the laws of the state). This person serves at the expense of the estate.
<b>Decedent</b>	The person who has died.
<b>Durable Power of Attorney</b>	A document that can authorize one or more persons to act on your behalf if you are not able to act on financial, legal, and administrative matters, especially if you are not competent to make these decisions for yourself. A durable power of attorney can enable your family members to manage affairs, without having a guardian or conservator appointed by the Probate Court. There are significant legal, administrative, privacy, and cost benefits to executing a durable power of attorney which will take effect if you are absent or mentally incompetent.
<b>Estate Plan</b>	The means by which you protect and provide for your family and others close to you. Estate planning is like a road map of your financial goals, both now and after death. Your Estate Plan can affect the way you live, especially in retirement years.
<b>Executor/Executrix</b>	Your personal representative responsible for completing your wishes according to your Estate Plan or Will. This is not a small task; it is not always wise to make your children or spouse your executor. Any expenses this individual incurs on behalf of the estate can be reimbursed by the estate at closure.
<b>Healthcare Proxy</b>	Also called a Healthcare Power of Attorney, this is one of the three REQUIRED documents you should have. It allows someone to make decisions, and have information released about your healthcare, in the event you are incapacitated. It is essential for unmarried individuals especially.
<b>Living Trust</b>	With a Living Trust, you can direct how you want your property managed and distributed, and it can contribute to family and financial protection by continuing income and support for your spouse, children or other beneficiaries. A Revocable Living Trust takes effect during your lifetime and can be terminated or changed at any time.



**Living Will**

This is one of the three REQUIRED documents you should have. This allows you to dictate what life-saving measures you want taken or withheld if a doctor deems that you are within a window of imminent death.

**Probate**

Means “to prove” the Will is true and valid. Things that have a listed beneficiary such as jointly owned property, IRA’s, 401k’s, life insurance, annuities and retirement benefits do not probate – they pass directly to the named beneficiary. IMPORTANT: To avoid probate, the beneficiary must be a person and not the estate of the insured, or left blank when set up. There are fees for probate, based on the size and complexity of the estate, payable to the court, the state and the attorneys who are represented during the process.

**Trustee**

An individual or organization that holds title to property and administers affairs for the benefit of another. This term is often interchanged with Fiduciary who also is a person or organization which property and power is entrusted for the benefit of another.

**Trust**

You do not have to have large sums of money or property to have a Trust. They do not probate, so no court is involved in deciding whether your wishes are valid. A Trust is an estate-planning tool that can help you manage your property during your lifetime while ensuring a smooth transition of your affairs after death. People who should look into a Trust include those who are or have been divorced, those who anticipate an inheritance, people who adopt children, people with minor children, unmarried partners and couples where one is, and one is not, an American citizen.

**Will**

The most basic document you must have. It contains your instructions on who will receive any assets you own individually. Your Will can also nominate the executor of your estate and nominate the guardian(s) for your minor children. Assets passing under a Will have to be transferred through the probate process.

## Appendix B: Frequently Asked Questions

Question: **Is there grief counseling?**

Answer: Yes!! Your health care provider can recommend someone. Google is a wonderful source for providing resources as is your local Hospice.

Question: **Is an obituary mandatory?**

Answer: No it is not. If you do choose to have one, please refer to Section V, Section C, Paragraph 11.

Question: **What is mortgage insurance and is it important or necessary?**

Answer: Mortgage insurance is a form of term (meaning it lasts a specific length of time) life insurance. Mortgage insurance is just an expensive and limited form of life insurance, compared to regular life insurance, but the process of underwriting (based on the health and age of the applicant) is exactly the same. The differences are in how insurance benefits will be paid out, and most importantly, to whom the payment will be made. Mortgage insurance will pay the balance of the mortgage on a property ONLY to the holder of the mortgage, which sounds good until you realize that essentially you are paying for decreasing term insurance.

For example, let's say you take out mortgage insurance on a house with a mortgage of \$350,000. That is what the mortgage company would receive to pay off the home at the outset. However, after several years, you have made payments on the home, and you now owe only \$300,000 on it. That is now what the mortgage company would receive to pay off the house. The mortgage company is receiving less, however your premium payments are still exactly the same as when you owed \$350,000 on the home. You would NOT receive the extra \$50,000.

In the event the family wishes to move, or needs cash instead of trapped equity in a house, this will not help them. Finally, it is expensive relative to regular term insurance. Therefore, since the underwriting process is exactly the same, the cost is more expensive, and it has more limitations than advantages, we recommend the purchase of regular life insurance instead.

Question: **What is Private Mortgage Insurance**

Answer: Private Mortgage Insurance (PMI) is insurance that protects your lender against non-payment should you default on your loan. It is important to understand that the primary and only real purpose for mortgage insurance is to protect your lender, not you. As the buyer of this coverage, you are paying the premiums, so that your lender is protected. PMI is often required by lenders due to the higher level of default risk that is associated with low down payment loans. Consequently, its sole and only benefit to you is a lower down payment mortgage.

Question: **Do I need to file anything with the (U.S.A.) Internal Revenue Service?**

Answer: The IRS Form 712 (Life Insurance Statement), <http://www.irs.gov/pub/irs-pdf/f712.pdf>, is a form which the executor prepares and files with the Form 706, (United States Estate (and Generation-Skipping Transfer) Tax Return), <http://www.irs.gov/pub/irs-pdf/f706.pdf>. It makes sure the life insurance proceeds are not counted as income.

Question: **What information will I need when I call the insurance company?**

Answer: The name of insured, his / her date of death, the policy number(s) and social security number. The agent might call you for more information to process the forms for the claim.

Question: **Would it be legally enforceable if we just wrote our own Will without an attorney?**

Answer: The main requirement is that it be signed, witnessed and notarized. In most cases, that will suffice. However, what you may have put in the Will might conflict with what you have set up for beneficiaries of your assets, and in that case, the titling / named beneficiaries will trump whatever the Will says. It is best, then to have a professional at least review what you have written. In the case of other important documents like the Healthcare Power of Attorney and Durable Power of Attorney, you should definitely seek professional help to make sure what you intend is what happens.

Question: **Doesn't everything just automatically transfer to the surviving spouse?**

Answer: Not necessarily. If the spouse is not listed either as a co-owner (Joint Owners with Right of Survivorship), or a named beneficiary (like Transfer on Death in the case of a bank or stock account, or on an IRA or pension or life insurance policy) then the assets will have to probate before transfer.

Question: **What if we live and work in different states? Which laws take precedence?**

Answer: The state of legal residence of the deceased takes precedence, but unless you have a Trust, you will probate in each state in which the deceased or couple jointly owned property.

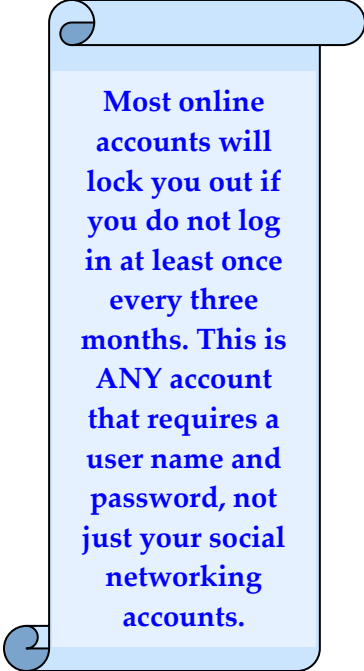
Question: **When should I be canceling the social networking accounts like Facebook, Twitter, Email etc., and what information will I need to do this?**

Answer: You can do this as soon as you are comfortable, but we suggest you do this between the two to six month period after a loved one's passing.

For the 'Social Networking' accounts you will need the login user name, or login email address, and password for each account. If you do not have these, you will need to send copies of the death certificate and in some cases a copy of a published obituary.

Facebook suggests you convert the site to a memorial site. This allows existing family and friends to post remembrances on the site but blocks new users from joining.

[http://www.facebook.com/help/contact.php?show\\_form=deceased](http://www.facebook.com/help/contact.php?show_form=deceased)



**Most online accounts will lock you out if you do not log in at least once every three months. This is ANY account that requires a user name and password, not just your social networking accounts.**

Question: **How important is it to have a durable power of attorney?**

Answer: It is ESSENTIAL! This is the document that allows someone to take over management financially when another person is unable to act for themselves. All other types of power of attorneys expire once the person is incapacitated. It also allows those decisions to be processed outside of probate.

### **Regarding Probate:**

Question: **Does all property have to go through the probate process?**

Answer: Not necessarily. Some states have a certain amount of property, such as property with a named beneficiary or ½ of community property, etc. that can pass free of probate. They might require that everything else pass through probate. Some even have a simplified process for a “free” Will where the court has outlined exactly who gets what in the event of a death without a Will.

Question: **In what state is the probate process initiated?**

Answer: It is initiated in the state of the decedent’s legal residence at the time of death.

Question: **Who is responsible for probating the Will?**

Answer: The executor/executrix named in the Will.

Question: **What if there is no Will?**

Answer: If there is no Will, the person is deemed to have died intestate, “without a Will”. If this occurs, then the court is requested to be appointed as the administrator of the deceased’s Will, in order to perform the same function of the executor.

Question: **Do I need a certified copy of the death certificate to start the probate process?**

Answer: Yes. We recommend you order at least twenty-five copies of the death certificate, with raised seal. Don’t be surprised if, later on, you need to order more.

Question: **How do I begin the probate process?**

Answer: After receipt of the certified copy of the death certificate, the executor will initiate a Petition for Probating the Will and Appointment of Executor at the probate court clerk’s office in the state/country in which the person died. Note: Probate court is a division of the state court legal system and could be referred to by another name depending on where you live.

Question: **Do I need a lawyer to begin this process?**

Answer: A lawyer is not required to begin the process.

**Question: What happens once I request the petition for probate?**

Answer: There are several steps that occur:

1. A date will be set by the probate court for the executor or administrator to appear before a judge, present the Will and ask to be formally appointed.
2. The Will's validity is established and the court issues an order, "admitting the Will to probate", which is recorded in the county clerk's records.
3. The Will becomes public record along with all subsequent filings with the court.
4. The probate judge will officially appoint the executor (or administrator) who will be given full authority to deal with the decedent's probate property and accounts.

**Question: Who should I select as an Executor?**

Answer: This is a difficult question. Lawyers advise against naming spouses because the spouse is least able to deal with all the stresses and the administration of the estate. You should consider using an adult child, a good friend or a trusted CPA. Choose someone who will act in good faith, in a timely manner, and who is comfortable with forms, finding paperwork and handling various companies and courts.

**Question: I have minor children. What are the advantages of having a Trust (versus just a Will)?**

Answer: There are three reasons of which we can think to do this:

1. The privatization and assurance that the person(s) you select as the guardian(s) for them will not be subjected to the opinion of the court, nor overruled by the court (as it can be with a Will). This is especially true for divorced couples, or couples with multiple sets of grandparents who might contest the naming of someone else as guardian. Since the Trust does not probate, the Court does not become involved.
2. Minor children cannot inherit until they reach the age of 18. In the meantime, who will manage the funds for them? If no one is named, the court will appoint a guardian ad litem (at the expense of the estate / funds left to the children), and the state will manage the money in a financially conservative manner. This currently means in a simple bank account. If someone is named, that person may or may not be a good financial manager, and is not subject to any oversight. With a Trust, a Trust Company will manage the funds as a fiduciary (in the best interests of the children), allowing the funds to grow, and with oversight.
3. With a simple Will, at age 18, the children inherit all with no oversight or limitations. With a Trust, the parents can stipulate the situations in which money is released, the amount, and the age or triggering event at which the money would be released.

**Question: What is the best way to store our documents?**

Answer: There are several recommended ways:

1. The key to storing these important documents is security. The more secure the storage area is, the better. Keep the originals in as secure a place as possible. Two examples would be a fire-proof safe or a safety deposit box in a bank. A fireproof safe in

your home gives you immediate access to the documentation which makes it easier for you to review and, if necessary, update it.

2. You can never have enough electronic copies of the originals. Most printers these days have scanners built in to them. All of your original documents should be scanned, properly titled and stored on your computer hard drive, rewritable DVD's, flash, or thumb drives, a password-protected external hard drive, etc. These should also be stored with the original documentation and electronic copies of these should be stored in another secure location, if one is available. A nice feature of an external hard drive is that it will be large enough to which you can backup your entire hard drive. Many years from now when you might need this data, we hope, you will have access to the applications that you use today to open and display the documents you have stored.

Note that DVD's which are "burned" rather than "cut" will degrade over time. We recommend you do not use DVD's that you made yourself.

3. Secure on-line storage should also be considered. You should consider either a cloud service or an on-line backup service. There are many of these available.

4. Think security first, and as many backups with which you are comfortable second.

Question: **How do I contact...?**

Answer:

Social Security 800-772-1213 <http://www.ssa.gov>

Veterans Affairs 800-827-1000 <http://www.va.gov>

## **Appendix C: Advanced Medical Directives (California Samples)**

Estate planning attorneys will commonly create both a Living Will and a Medical Power of Attorney for their clients. We did an Internet Search for “Health Care Directive” and one of the sites listed was <http://www.LegacyWriter.com>. There were many possible sites from which to choose, however, this process makes it possible to create these documents yourself, customized to your needs, without an attorney.

The below documents, “California Advance Health Care Directive” and “My Health Care Choices” are examples of a “Living Will” and specify your requests should you become permanently unconscious or are otherwise dying and unable to speak for yourself. The below are examples of the choices which you can make before the “It will never happen to me” happens. We highly recommend both partners fill these out with the appropriate witness signatures and Notary Public acknowledgements, if required, for the applicable state or country in which you reside. If you subsequently move to a different state or country, don’t forget to update these in a form(s) which will be honored there.

CALIFORNIA

ADVANCE HEALTH CARE

DIRECTIVE

Including Power of Attorney for Health Care

IMPRINT/MRN

**PART 1: APPOINTING AN AGENT TO MAKE HEALTH CARE DECISIONS**

Note: You should discuss your wishes in detail with your designated agent(s).

My Name is: \_\_\_\_\_

My address is: \_\_\_\_\_

In this document I appoint an agent. I want this person to help make my medical decisions.

Your agent or alternative agent cannot be:

- Your primary physician
- Someone who works where you receive care (unless you are related to that person or you are co-workers).

• **PRIMARY AGENT:**

Agent's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

• **1<sup>st</sup> ALTERNATE AGENT:**

Agent's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

• **2<sup>nd</sup> ALTERNATE AGENT:**

Name of second alternate agent: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

(Indicate home, work, pager and cellular phone.)

**WHEN WILL MY AGENT MAKE DECISIONS?:**

(Put an X next to the sentence you agree with.)

- My health care agent can make health care decisions for me while I still have mental capacity to make decisions. \_\_\_\_\_ {Initial here}
- My health care agent will make health care decisions for me ONLY when I do not have the mental capacity to make my own health care decisions. \_\_\_\_\_ {Initial here}

**WHAT WILL MY AGENT DO?**

My agent will be allowed to make health care decisions for me just as I can presently make my own. For example, my agent may (1) accept or refuse treatment for me, including accepting or discontinuing artificial nutrition and fluid that is given through a tube into my stomach or into a



vein. (2) Choose for me a particular physician or health care facility. (3) Receive or review my medical information and records, or permit release of my records for others' review.

\_\_\_\_\_ {Initial here}

#### WHO MAY NOT MAKE MY MEDICAL DECISIONS

- No Exclusions \_\_\_\_\_ {Initial here}
- The following individual(s) are to be EXCLUDED from any part of health care decision-making for me: \_\_\_\_\_ {Initial here}

#### AFTER MY DEATH

My agent will be able to authorize an autopsy. My agent will be able to donate all or part of my body. My agent will be able to decide what to do with my body. If I have written a Will or made arrangements for what happens to my body after my death, my agent should follow those instructions.

- No Exceptions \_\_\_\_\_ {Initial here}
- I want to make exceptions to this authority. I write them here:
- I want to make exceptions to this authority. See the attachment to this form.

(Sign and date the attached pages when this document is witnessed.)

#### PART 2: HEALTH CARE INSTRUCTIONS (Cross out the sections that do not apply)

- I have made additional written instructions for my agent and attached them.

(Sign and date the attached pages when this document, My Health Care Choices, is witnessed.)

PERSONAL CARE DECISIONS: I want my agent(s) to decide about personal care on my behalf. For example, I want my agent to be able to decide where I will live, choose my clothing, receive my mail, care for my personal belongings and care for my pet(s) if any. My agent may make all other decisions of a personal nature not included in the description of health care.

\_\_\_\_\_ {Initial here}

REVOCAION OF PREVIOUS DOCUMENTS: I revoke any previously-executed Power of Attorney for Health Care, Individual Health Care Instruction, or Natural Death Act Declaration. I have the right to revoke this directive later by creating a new one(s) if any. My agent may make all other decisions of a personal nature not included in the description of health care. \_\_\_\_\_  
{Initial here}





DECLARATION OF OMBUDSMAN PROGRAM REPRESENTATIVE

(Required ONLY if person appointing the agent currently resides in a nursing facility)

I declare under penalty of perjury under the laws of California that I am an Ombudsman designated by the California Department of aging and that I am serving as a witness as required by Section 4675 of the California Probate Code.

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

MY HEALTH CARE CHOICES  
Personal Health Care Instructions Communication Form

I. How much I want to know about my condition:  
(Please mark statement 1 or 2.)

- I wish to know all relevant facts about my condition. I can cope better with what I know than with the unknown.
- I do not wish to know all the details of my condition, especially if the news is bad. I fear that such knowledge will diminish my will to live and will cast a shadow over the time left to me. If there is bad news about my condition, I want my health care agent to take over making medical decisions for me, even if I still have mental capacity to make health care decisions.

II. How strictly I want my agent to follow my instructions:

I am writing how I want health care decisions made. **I want my agent strictly to follow this document.** If other decisions come up that I have not made here, I want my agent to rely on other information he or she has about my wishes and my values.

Additional comments:

III. If I am dying, it is important to me to be:

- At home.
- In the hospital.

Additional Instructions:

My religion is:

IV. Near the end of life, when would you want your doctors to consider allowing your disease to take its natural course? When is it time to allow a natural death? For example, which of these sentences do you most agree with: 1 or 2?

1. Life is only worth living if I can:

(Check all that apply; add more if you want.)

- Talk to family or friends.
- Communicate in some way with my loved ones.
- Recover enough to feed, bathe, or take care of myself.
- Be free from pain.
- Live without being hooked up to a machine.
- I am not sure.

2. My life is always worth living no matter how sick I am, even if I am unable to communicate at all and even if I won't get better.

V. If I am so sick that I may die soon:

- Any treatments can be tried to see if they will help. Even if treatments **do not work** and there is little hope of getting better, **I want to stay on life support** machines until I die.
- Any treatments can be tried to see if they will help. If the treatments **do not work** and there is little hope of getting better, **I do not want to stay on life support** machines and would want to die a more natural death, in comfort.
- I have already decided that I do **not** want to have the following treatments, even if it means I might die by not having them:
  - I want **no** attempts at CPR.
  - I want **no** breathing machine.
  - I want **no** dialysis.
  - I want **no** blood transfusion.
  - I want **no** artificial feeding and hydration.
  - I want **no** medicines of any kind unless they are provided for my comfort.
  - I do not want any life support** treatments at all, even if it means that I might die by having them.

VI. Religion or spirituality is

- Important to me
- Unimportant to me

What my doctors should know about my religion or spirituality:

VII. After my death

- I want to donate my organs. *Which organs do you want to donate?*
  - any organs
  - only the following organs \_\_\_\_\_
- I **do not** want to donate any organs.
- I want my **health care agent** to decide.

VII. What my agent and doctors should know about how I want my body to be treated after I die:

- I **do not** want an autopsy.
- I **want** an autopsy if there are questions about my death.
- I want my **health care agent** to decide about autopsy.
- My preferences about funeral/burial/cremation are:
- I want my **health care agent** to decide about burial or cremation.

Additional instructions:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If you are completing this form at the same time as your Advance Health Care Directive, please remember to attach it so your signature can also be witnessed or verified by a notary public.

## **Appendix D: Other Resources and Web Links**

[www.legalzoom.com](http://www.legalzoom.com)

This web site contains on-line questionnaires which create legal documents for a fee.

[www.USLegalForms.com](http://www.USLegalForms.com)

This web site has specific legal forms which are available for purchase. Forms can be downloaded to your computer and/or mailed to you.

## Appendix E: The SETP Partners Handbook (The Really Short Version)

*We are dedicated to help you plan a secure future for your family.*

A wise person said Life is a series of choices – let’s not let them be made for us by default.

This handbook contains detailed information about things most people don’t enjoy thinking about. It should start conversations, not overwhelm you. It should encourage you to pick an area, and work on it, not set it aside until “someday”. This small chart will help you to focus on the main things to begin with. Use the handbook to reference the “how to” and gain insight. Seek guidance from professionals who work in this field every day.

DISCUSS what you want

ASSESS what you have

*Do a budget, and total up your assets and benefits.*

Make an appointment with a professional:

Attorney, JAG Officer,  
Financial Advisor

*They know the ropes; they’ll do a lot of the work for you.*

**Set deadlines on your calendar –  
Get Will or Trust done  
by a certain date;  
Complete financial commitments**

*The key is to break it out in small chunks, and check it off as “done.”*

*Share this information with others in your community*

*The more people who are prepared, the better!*

### **A TWO MONTH PLAN OF ACTION:**

A simple budget and benefits assessment should take about a week to complete.

While working on that, set up an appointment for a will / trust, and review your insurance coverage. Those will take about a month to complete, on average.

The Important Documents checklist is detailed. Break into 8 sections, and complete one section per week.





*It's not fun, but it does help you sleep better knowing it's done*

## **Where to begin?**

- Believe that it can happen to you
- Talking about what you would want IF one of you dies is the FIRST STEP
- Procrastination is not your friend – set deadlines and take action
- Give yourself no more than two months to complete everything in the handbook and you'll be more informed, feel more secure, and can focus on family, work, and life!

## **Step 1 – Week One**

READ Pages 7 and 8 and the Glossary of Terms

DO:

Where will we live if one of us dies?

Do I want a home that is paid off? Where?

How much would that cost?

Read Pages 9 – 12

DO:

- 1) Contact a professional: a Financial Advisor can shortcut a lot of work for you, and help you think of things you might not have considered.
- 2) Make a budget
- 3) Review all of your accounts and assets and benefits – make a list
- 4) Do your own Survivor Needs Analysis (enclosed and workshop)
- 5) If you need it, buy more insurance (this step will take about a month)

## **Step 2 – Week Two**

Read Pages 13 – 19 and 32 -33

DO:

- 1) Ask friends or a Financial Advisor for a referral to an Estate Planning Attorney to get a Will or Trust (whatever ends up being right for you) This process will also take about a month to complete)
- 2) They will ask questions. You should answer promptly. It gets DONE.

## **Step 3 – Week Three**

Read Pages 20 – 22

DO: Steps 1 – 5 (Information Retrieval and Gathering)

Read / Use Pages 22 – 28

DO: Using the information from 1-5 above, complete the Important Documents Checklist (Aim for completing 1 page per day).

## **Step 4 – Week Four**

Read Pages 28 – 30

DO: Step 6 from page 22, using the information from this checklist.

WARNING: This section is highly emotionally charged. Do not worry about writing words at this point, just research and collect the facts only. A glass of wine or a reward at the end is a good motivator and a really good idea.

## **Step 5 – Week Five**

Read Pages 34 – 41

This is an FYI Section – you should be done with your “homework” before getting here

Read Pages 44 – 57

This is the FAQ section – a good review