

A SIMPLE ESTATE PLAN

I offer unbelievably inexpensive simple estate plans. A 2007 study found that 55% of all adult Americans do not have a last will and testament, healthcare directive, healthcare power of attorney, or durable power of attorney? So, what exactly does this mean? First, it means that if they are ever in a brain-dead vegetative state, and life support machines are the only thing keeping them alive, that they may have to remain on them indefinitely. Or worse, it may mean that the person who decides when to "pull the plug" may not be whom they would choose. It also means that when they die, there will be no legal way to carry out their wishes as to who gets their property, family items, or where their children go to live. These situations often end in broken families, fighting over items of sentimental value. *(2007 Harris Interactive® Martindale-Hubbell® Research Study.) These problems can all be handled by a simple estate plan consisting of 1) a will; 2) a healthcare directive; 3) a healthcare power of attorney; and 4) durable power of attorney.

COSTS AND FEES

Law offices usually charge a thousand or more dollars for a simple estate plan. My office is only charging you \$100 per estate plan for you and anyone in your family. (i.e. for a husband and wife the cost would be \$200). Even though I end up doing your simple estate plan essentially at cost, I do so with the hope that you call me for all your family's future legal needs. It's as simple as that.

If you want me to draft your estate plan, please give me the following information. Call me with questions.

YOUR BASIC INFORMATION

Your Full Legal Name:
Your gender:
Your address including the County:
Home Phone:
Cell Phone:
Work Phone:
Fax:
Your email address:
If you have a spouse, their Full Legal Name:
The County where your spouse lives:

HEALTHCARE DECISIONS

If you ever become mentally incapacitated, and are being kept alive by machines, with no hope of ever regaining consciousness, someone will have to be able to grant your doctors the authority to turn off life support. This person is called your Healthcare Power of Attorney.

1. The Full Legal Name of the person who you want to be your Healthcare Power of Attorney. (Usually this will be your spouse if you are married, although it does not have to be):
2. The Full Legal Name of the second person who you want to make your health care decisions if the person listed above is not available (i.e. if the person listed above has predeceased you):
3. The Full Legal Name of the third person who you want to make your health care decisions if the two people listed above are not available (i.e. they have both predeceased you):

YOUR FINANCIAL MATTERS UPON INCAPACITATION

If you ever become mentally incapacitated, but you are still alive (i.e. Alzheimer's, coma, dementia, etc) someone will have to be able to access your finances to continue paying your bills until your death. This person is called your Contingent and Durable Power of Attorney (also known as your "Springing" P.O.A.) This could be the same people listed above.

1. The Full Legal Name of the person who you want to have the authority to run your household finances on a temporary basis, beginning with your incapacitation and ending upon your death. (Usually this will be your spouse if you are married, although it does not have to be):
2. The Full Legal Name of the second person who you want as your Springing P.O.A. if the person listed above is not available (i.e. if the person listed above has predeceased you):
3. The Full Legal Name of the third person who you want as your Springing P.O.A. if the two people listed above are not available (i.e. they have both predeceased you):

AFTER YOUR DEATH

When you die someone will need to be responsible for making sure that your will is carried out. They will need to collect your assets, pay off your last bills, and distribute the remaining assets as you have stated in your will. This person is called the Personal Representative (P.R.) of your will. This could be the same people listed above.

1. The Full Legal Name of the person who you want to be your P.R. (Usually this will be your spouse if you are married, although it does not have to be):
2. The Full Legal Name of the second person who you want to be your P.R. if the person listed above is not available (i.e. if the person listed above has predeceased you):
3. The Full Legal Name of the third person who you want to be your P.R. if the two people listed above are not available (i.e. they have both predeceased you):

YOUR MINOR CHILDREN

What if you have minor children at the time of your death? Who will you want to care for them? This person is sometimes called a "God Parent." This could be the same people listed above. It is important to understand that depending on your situation, and the decision of the Court at the time of your death, the Court may not elect to place your children with the person you choose as God Parent. Nevertheless, this will be your chance to tell that judge who YOU want to take care of your children.

1. List the Full Legal Name of the person who you want to be your children's God Parent. This cannot be the other parent of the child/children. If they survive you, they will automatically be first in line to take care of the children. A God Parent usually only comes into play if the other natural parent predeceases you:
2. The Full Legal Name of the second person who you want to be your children's God Parent if the person listed above is not available (i.e. if the person listed above has predeceased you):
3. The Full Legal Name of the third person who you want to be your children's God Parent if the two people listed above are not available (i.e. they have both predeceased you):

YOUR WILL

In your will you can list what property you specifically want to go to whom. You must be very specific to identify the property however. Please list this in the box below: (Example: My 1949 Buick Super VIN#123456 I leave to my friend Tony F. Ictitious of Omaha, Nebraska. My grandfather's 30-06 rifle, serial number 123456 I leave to my son Ahngus M. Adeup of Yutan, Nebraska.) This list can be as long as you want it to be. Bear in mind that you can also put in contingencies and people who are unknown at the time. (Example: My 1949 Buick Super VIN#123456 I leave to my friend Tony F. Ictitious of Omaha, Nebraska. If Tony does not survive me at the time of my death then I leave my 1949 Buick to Jennifer N. Otreall of Sarpy County, Nebraska. If She does not survive me at the time of my death, I leave my 1949 Buick to my oldest child, if I have one at the time. If I have no children at the time of my death, I direct my P.R. to sell my 1949 Buick for fair market value and donate all the proceeds to a charity of his choice.)

- 1) Your list:

Lastly, you must name a person to receive all the property you may own at the time of your death that is not specially listed above. This property is called your "residuary." It could be split up, or contingent. (Example: I leave my residuary to my husband, Tom D. Oesnotexist. If he does not survive me then I leave my residuary in equally shares to my children. If none survive me then I leave my residuary to the Salvation Army.)

- 2) The Full Legal Name of the person who you want to receive your residuary:

CONCLUSION

Once you have filled out all the information above send it to me with a check or money order payment and my office will contact you to schedule a time to come in and sign your estate plan. This program does not include the creation of trusts (which by their nature are much more expensive to create and manage. In addition it is only offered to Nebraska residents. You will need to bring photo identification to the signing. Please call me with any questions.

Sincerely,
Travis Thorne Bennington
Attorney at Law

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