



The Basic Estate Plan

Presented by:

Albert G. Hehr III, Esq.

Hehr & Hehr Co. L.P.A

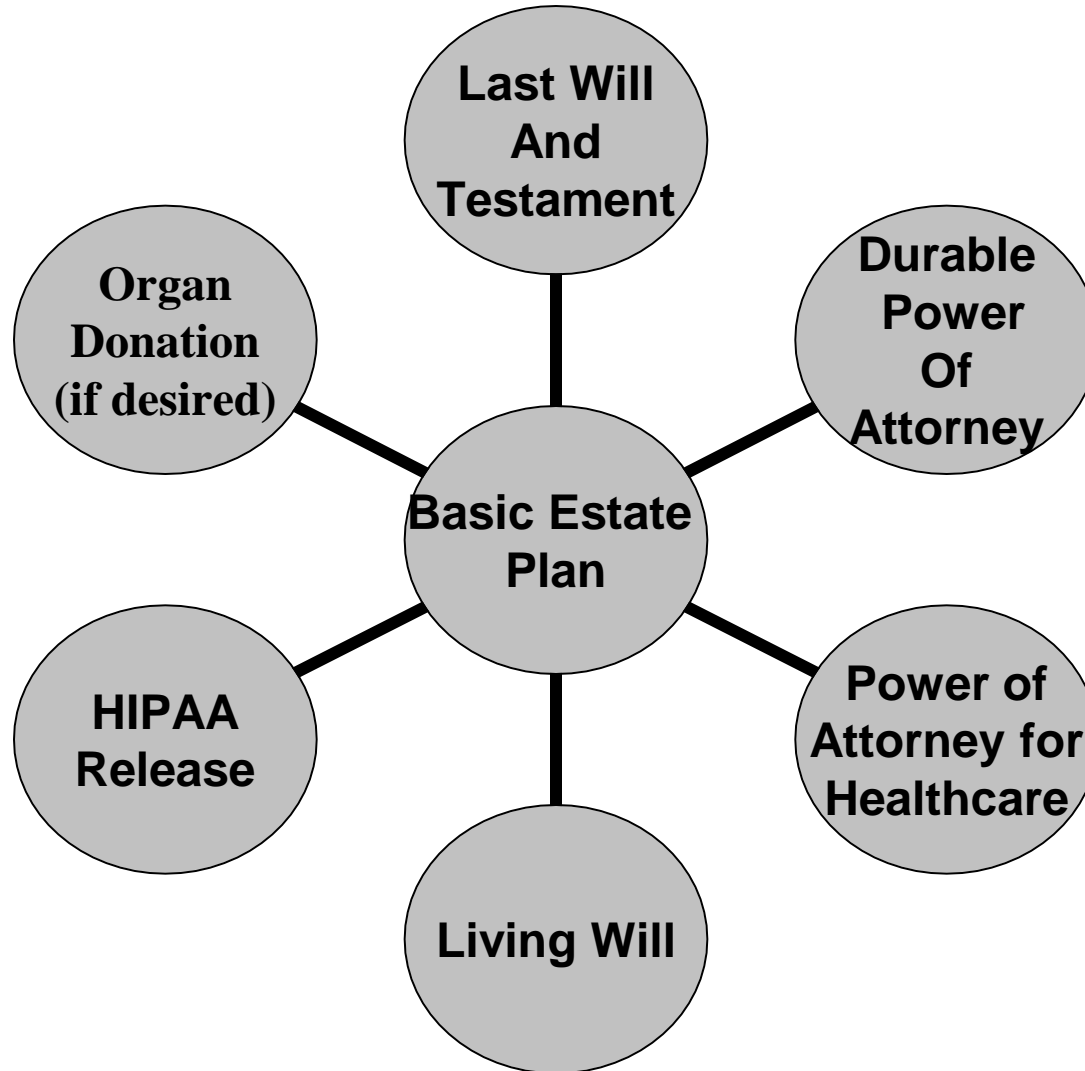
Hehr & Hehr Co., L.P.A.

4401 Rockside Rd., Suite 200

Independence, OH 44131



Basic Estate Plan



What Does a Last Will and Testament Accomplish for You?

- It Informs the court of your last wishes,
- Provides the Court with a guideline to follow, and
- Appoints an Executor or Executrix to manage your Estate until it is closed through the court.

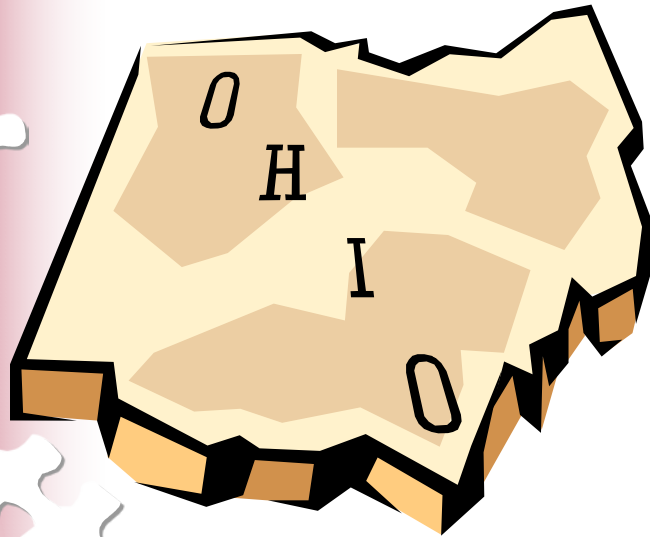




What Does a Last Will and Testament Accomplish for Others?

- It allows you to leave specific items to specific people (in the form of bequests),
- Appoints trusted guardians to care for your minor children, and
- Tells the court who you want your Estate to be passed to (ie, your beneficiaries).

Ohio Last Will and Testaments



- In Ohio, the Will maker must view two competent witnesses signing the document.
- The original may or may not be filed with your local probate court.



Life Changes = Will Changes

Your Will should be redone any time there is a change in the family, including:

- When a Beneficiary (a family member or friend) dies;
- If you become widowed, divorced, or remarried;
- When your children all reach the age of 18;
- If you decide to leave your Estate to a different Individual than the one currently named; or
- If you decide to name a different Executor/trix to manage your Estate.



How Do You Change a Will?

- A Last Will and Testament becomes effective when the Will Maker passes away.
- It is fully revocable and amendable until death.



What is a Durable Power of Attorney?

- A document that gives authority, to a person designated by you, make financial decisions on your behalf when you are no longer able to;
- Other titles for a Durable Power of Attorney are ‘Attorney-in-Fact’ and ‘Agent;’
- A POA may be active immediately, or springing
 - Springing means that when a certain event occurs, the POA will become active



What is a Durable Power of Attorney?

- What type of financial decisions can be made on my behalf by the Durable POA?
 - Power to do banking
 - Power to sell, manage real property including mortgages
 - Power to manage retirement and investment accounts



Powers of the Durable POA

- Power to transact business on your behalf
- Power to manage any business you are an owner of
- Power to create a trust
- Power to manage any and all assets
- Power to act regarding healthcare decisions
- Power to make gifts

What is a Power of Attorney for Healthcare?

- A document that allows you to choose a trusted individual to make health-related decisions, if you are no longer able to make them for yourself
- Requires that any decision made for you by the appointed individual is consistent with your wishes.



What is a Power of Attorney for Healthcare?

- This document only becomes effective when you are temporarily or permanently unable to make your own health treatment decisions.



What is a Living Will?

- A document that lets you make, in advance, your choices regarding life-sustaining medical treatment;
- It communicates your desire, or lack thereof, for life-support;
- Provides authority for Drs. to follow your instructions regarding medical treatment



What is a Living Will?

- It cannot be revoked or changed by anyone but you;
- It specifies the conditions under which you want internal feeding and fluid;
- It becomes effective when you are unable to communicate, due to permanent unconsciousness or terminal illness.





Definitions You Should Know For the Living Will and Healthcare POA

- **Life-Sustaining:** any medical procedure, treatment, intervention, or other measure administered principally to prolong the process of dying
- **Hydration:** fluids artificially administered through tubes
- **Nutrition:** food that is artificially administered through tubes



Definitions You Should Know For the Living Will and Healthcare POA

- **Permanently Unconscious:** to a reasonable degree of medical certainty, a patient is irreversibly unaware of him/herself or environment; a total loss of cerebral cortical functioning which results in loss of capacity to experience pain or suffering



Definitions You Should Know For the Living Will and Healthcare POA

- Terminal Condition: irreversible, incurable, untreatable condition caused by disease, illness or injury from which, to a reasonable degree of medical certainty, there can be no recovery; and death is likely to occur within a short period of time if life-sustaining treatment is not administered



Definitions You Should Know For the Living Will and Healthcare POA

- **Comfort Care:** nutrition and/or hydration or other medical care administered to diminish pain or discomfort, but not to postpone death.



What is a HIPAA Release?

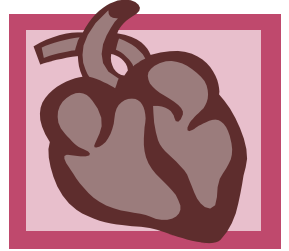
- HIPAA stands for the Health Insurance Portability and Accountability Act
- HIPAA is a law that Congress has passed to keep your medical information confidential
- By signing this document you will:
 - Give Authorization to any Healthcare Professional to readily use, release, or disclose your protected medical information,



What is a HIPAA Release?

- Allow your protected medical information to be given to the person (s) you specifically designate on the form,
- Allow your designee (s) the opportunity to obtain, discuss, and use the protected medical information to help you when you are unable to do it yourself
- This document is able to be used as soon as it is signed

What is Organ Donor Registration?



- It states that at your death, you want to donate organs, or your body.
 - You may donate some or all organs
 - Eyes, skin, tissue, etc.
 - You may donate your entire self
 - You may donate organs or your body for specific reason, or for all reasons
 - Research, transplant, etc.



What is Organ Donor Registration?

- The form is signed and the original sent to the Ohio Bureau of Motor Vehicles
- A copy is kept with your Estate Planning Documents
- This form is elective

With a Last Will and Testament, Can You Still Avoid Probate?

- Yes, you can. You will need to “fund” your assets using proper designations such as TOD, POD, Electing Beneficiary Designations, and holding assets Jointly.
- BUT, this technique will make your Last Will and Testament ineffective for those assets








What is a TOD Designation?

- TOD means Transfer on Death.
- This is a provision that permits a sole property owner or tenants in common to name a beneficiary or beneficiaries who will take title to the property upon death
- The named beneficiary will not have any interest in the property until death

What is a TOD Designation?

- What items can be Transferred on Death?
 - A vehicle title may have a TOD designation on it 
 - A home may have the Deed redrafted to include a TOD 
 - Any titled property may have a TOD designation (Bonds and Stock too) 
- If done properly, these items will pass outside probate

What is POD Designation?

- POD means Payable on Death
- What items can have a POD designation?
 - Bank Accounts
 - Credit Union Accounts
- The named beneficiary will not have any interest in the property until death
- If done properly, these items will pass outside probate





What is a Beneficiary Designation?

- A Beneficiary Designation allows you to state who your property is paid to at your death
- Common accounts that allow Beneficiary Designations:
 - Life Insurance, IRA's, Annuities (some), 401(k), Pension Plans, etc.



What Type of Assets are Held Jointly?

- Types of Accounts that can be held jointly:
 - Bank Accounts, Credit Union Accounts
 - Real Property (home, vacation home)
 - Auto
 - Any titled property



What Type of Assets are Held Jointly?

- Who Can Hold Joint Accounts?
 - Spouses
 - Parent/Child
 - Friends
 - Businesses
 - Charity

What Type of Assets are Held Jointly?

- Dangers
 - Equal access to the account
 - Creditors of both people equally
 - Marital discourse
 - Identity Theft
 - Tax ramifications
 - Both entities/people have current interest





Resources

- Cuyahoga County Recorders Office
- Puritas Springs Document Preparation
- Wealthcounsel, LLC
- State of Ohio
- Hehr & Hehr Co., L.P.A.



**This Presentation Brought to You
By:**

Albert G. Hehr III

Hehr & Hehr Co., L.P.A.

4401 Rockside Road, Suite 200

Independence, Ohio 44131

&

899 SOM Center Road

Mayfield Village Ohio

www.aghehr.com

(440)449-3266 Hehr & Hehr Co. L.P.A