LEGAL DOCUMENTS EVERYONE NEEDS

1 Living Will/ Advanced Care Directive

Documents your medical preferences and desires in case of incapacitation

2 Appointment of Health Care Proxy

Names who you want to make medical decisions for you if you become incapacitated

3 HIPAA Authorization

Allows your medical team to discuss your medical information with the people you designate

4 Durable Power of Attorney

Appoints someone else to manage your financial or business affairs, such as bank accounts and taxes

5 Will

Nominates who you want to manage your affairs after you die, and who gets your stuff



Estate – the money/assets you own at death.

Estate Tax – A financial tax that may be incurred upon the transfer of property at the time of the transferor's death.



Probate – formal legal process of validating a will, as well as appointing estate executor or administrator of the estate to distribute the assets.



Trust (fund) – legal entities created to hold assets or property.

Living Trust – trust created while the grantor is living, specifically protecting assets if incapacitated and managed by a trustee. It allows transfer of your assets to the trustee.

Revocable Trust – can be modified, amended or cancelled during the grantor's lifetime. Expensive and usually best for large estates. Cost, taxes, limited asset protection, complexity, Medicaid issues, transferring assets, probate, and lack of court supervision are other downsides.

Irrevocable Trust – a living trust that cannot be changed.

Testamentary Trust – created after death through a will. Assets are controlled and distributed by a trustee.



Will – legal document stating the way the signer wants his/her assets distributed upon death.

Codicil – an amendment, addition or change to a will requiring. Used for simple changes. Must be notarized.

EFFECTIVE PLANNING - QUESTIONS TO ASK

Will you know the information needed and where to find it?

If you handle most of the financial matters will your partner/spouse be able to take over easily?

If you or your partner/spouse dies, how will income change? Will pension, social security or other forms of income go down?

What happens if you are caring for a partner/spouse in poor health at home and you die?

What happens to your spouse in long term care if you die?

If your partner/spouse dies, will you want to remain in your current home? Can you afford to?

Do you have assets in more than one state?

Do you have a trusted attorney and financial planner relationship?

Who will you turn to for sound advice?

If a family member is to handle an emergency or estate, how will he/she know where to find everything needed?

Who do you want as beneficiaries to your assets? Would they remain the same after your spouse is gone?

WHAT TO DO WHEN A SPOUSE DIES

Documents/Items to Collect:

- ✓ Safe/Safety deposit box keys and combination
- ✓ Will or Trusts
- ✓ Life insurance policies
- ✓ Pension & retirement account documents, including IRAs, Roth IRAs, 401(k)s
- ✓ Social security numbers/cards
- √ Tax returns (2 years prior)
- ✓ Bank statements & investment account statements from financial institutions
- ✓ Mortgage & loan statements
- ✓ Asset titles for personal property cars, RVs, trucks
- ✓ Insurance statements for car insurance, health insurance, homeowners or renter's insurance
- ✓ Recurring bills
- ✓ Marriage certificate & birth certificate
- ✓ Real Estate documents including deeds, leases

Things To Do Immediately After Death:

- ✓ Notify immediate family
- ✓ Manage organ or medical donations
- ✓ Contact funeral home or crematory
- ✓ Contact attorney for will to be filed or file the will at the probate office (SC Probate Code of Laws requires the Last Will & Testament be filed with the county Probate Court where the decedent lived within 30 days of death.)
 *If you have assests in more than one state you will have to file the will in the other as well

Things to in the First Week:

- ✓ Contact your insurance policy providers including those for life insurance and car insurance. Change or cancel policies as needed. Contact the life insurance company as soon as possible, as it can take several weeks to disburse benefits funds.
- ✓ Call the banks & credit unions to update the account holder's information. Close any accounts you no longer need & update death benefit information on file.

- ✓ Contact your financial advisor to change your beneficiary information and assign assets according to the will or trust.
- ✓ Request your spouse's credit history from all three credit bureaus to ensure there aren't outstanding debts.
- ✓ Contact the credit card companies, cancelling your spouse from joint cards and closing any cards only in their name.
- ✓ Contact DMV and other companies to update titles and deeds of assets, make any changes for TOD deeds/titles or POD accounts.
- ✓ Contact Social Security Administration and request information on spousal survivor benefits if they are applicable. Aiken SS office 866-275-8271 or the national number at 800-772-1213.
- ✓ Contact organizations including Veteran's Affairs office and labor unions that your spouse was a part of. You may be entitled to survivor benefits.
- ✓ Defense Finance and Accounting Service, 800-269-5170 (military service retiree receiving benefits)
- ✓ Office of Personal Management, 888-767-6738 (if decedent is a retired or former federal civil service employee)
- ✓ Contact your health insurance company and/or Medicare to assure claims are filed if there was medical care before their death.

Things To Do in Months 1-4:

- ✓ Cancel email accounts, websites, and group memberships.
- ✓ Contact your tax/financial advisor. The deceased final tax forms will need to be filed.
- ✓ Contact college/financial aid offices if student debt is carried.
- ✓ Update your will if needed.

EXECUTOR CHECKLIST FOR DOCUMENTS TO COLLECT

A. Make burial and funeral arrangements.

- 1. Check the will/health care directive for directions regarding funeral arrangements and organ donation.
- 2. Meet with the funeral director, cemetery representative and clergy to make burial and funeral arrangements.

B. Executor Checklist for What Documents/items to Collect.

In addition to locating a Last Will and Testament, collect the following documents to establish insurance, pension, social security and ownership rights:

- 1. Birth Certificate
- 2. Marriage certificate or divorce order
- 3. Death Certificates from the funeral home or Vital Records, request at least 20
- 4. Social Security Card
- 5. Citizenship papers
- 6. Insurance policies (life, health, credit, accident & property)
- 7. Bank books and statements to determine name of bank, account numbers, balance and names on account
- 8. Property Deeds
- 9. House Keys
- 10. Homeowner's Association Information
- 11. Leases and tenant information
- 12. Car title, registration, keys license number and vehicle identification number
- 13. Income tax returns (IRS Form 4506) and have 2 years prior handy
- 14. Veterans Discharge Certificates
- 15. Disability claims
- 16. Property tax bills and receipts
- 17. Credit card information
- 18. Trusts if applicable
- 19. Names and addresses of relatives and beneficiaries
- 20. Stocks broker name, company name, number of shares and date of death value
- 21. Bonds serial number, issue date and date of death value
- 22. Employment death benefits
- 23. Separation agreements, prenuptial agreements and divorce decrees
- 24. IRS form 712 from each life insurance company

C. Who to notify

- Creditors (e.g. credit card companies, mortgage company) DO NOT USE DECEASED CARDS!
- 2. Banks/Credit Unions Stockbrokers/Financial Planners Church or synagogue
- 3. Post office (change of address if applicable)

- 4. Relatives
- 5. Employer
- 6. Insurance agents: life, annuity, auto, health and disability Religious, fraternal, civic, veterans, professional and alumni organizations
- 7. Newspapers regarding death notices
- 8. Attorney
- 9. Accountant
- 10. Beneficiaries
- 11. Social Security Administration
- 12. Veterans Administration
- 13. IRS Form 56: Notice Concerning Fiduciary Relationship
- 14. Landlord
- 15. Trustees
- 16. Defense Finance and Accounting Service, 800-269-5170 (military service retiree receiving benefits)
- 17. Office of Personal Management, 888-767-6738 (if decedent is a retired or former federal civil service employee)
- 18. U.S. Citizenship and Immigration Service (if decedent was not a U.S. citizen)
- 19. SC Department of Motor Vehicles (if decedent had a driver's license or state ID)

D. Notify Credit Reporting Agencies.

Notify all three of the following national reporting agencies of the death and instruct them to list all accounts as "Closed. Account Holder is Deceased." Include a copy of the death certificate. This will prevent fraudulent access and use of deceased information.

- 1. Experian, 888-397-3742, P.O. Box 9701, Allen, Texas 75013
- 2. Equifax, 800-525-6285, P.O. Box 105069, Atlanta, Georgia 30348
- 3. TransUnion, 800-680-7289, P.O. Box 6790, Fullerton, California 92834

E. Executor Checklist for What Advisors to Hire:

- 1. Retain a South Carolina attorney for probate and an out-of-state attorney for ancillary probate if there is out-of-state real property.
- 2. Real estate and personal property appraisers.
- 3. Real estate broker to sell the house or sublet the apartment.
- 4. Investment advisors.
- 5. Certified Public Accountant to prepare the estate, individual and fiduciary returns and to check with the IRS and state tax authorities for back taxes or unfiled returns.
- 6. Insurance agent for the executor's bond if required.

F. Secure property(s). Cancel Household Services not needed to maintain integrity of the house/property for future sale.

EXECUTOR CRITICAL DATES CHECKLIST

Date of Death	
Date Will Filed with Probate Court (must be within 30 days of death)	
Date of your appointment as Executor	
Date of First Publication to Creditors (3 required)	
Date Notification mailed to heirs, devisees, etc. (within 30 days of appointment as Executor)	
Date Assets Inventory & Appraisement filed (within 90 days of appointment as Executor)	
Date Deceased Personal Income Tax Return filed with IRS	
(April 15 th year after death)	
Statute of Limitations on filing of Creditor Claims (8 months after date of first publication)	
Date of Filing an Accounting Proposal for Distribution, And Petition for Settlement	
(within one year from date of first publication or 90 days from receipt of SC estate tax closing letter)	
Termination of Appointment as Executor closing Estate	
(30 days after filing Petition for Settlement)	
Alternate estate tax evaluation date (date of death plus 6 months)	
Federal and State Estate Tax Returns if required	

I C E D – IN CASE OF EMERGENCY OR DEATH

(date of death plus 9 months)
Tax Year End of Estate
File Federal and State Fiduciary Income Tax Returns (3 ½ months from Estate Tax Year End)
The Probate Court/Probate Clerk should be able to furnish a printout of critical dates and forms required.
They can also be accessed FREE at the SC Probate Court website below:
https://www.sccourts.org/court-forms/?courtType=PC

FUNERAL INSTRUCTIONS

Let your loved ones know your funeral wishes, you can write down a list of specific details about what should and should not be done so your family doesn't have to second guess what you would have wanted to happen, especially how and where you may choose to be laid to rest.

Intentions:

Are they meant for guidance or strict adherence?

- o General guidance
- Strict adherence

How do you want to laid to rest?: (do you have an organ donor card?)

- Burial
- Masoleum/drawer
- o Cremation how will the ashes be held or will they be spread
- o Donate my body to science

Where do you want to be laid to rest?:

Cemetery or Other Location:

- ✓ Reserved position
- ✓ Second internment
- ✓ New position

Alternative to Burial (such as ashes being spread):

What kind of service do you want?:

- o Church
- Graveside
- Crematorium Chapel
- o Other

Priest/Minister/Celebrant:

- Local Minister/Priest
- Celebrant
- No Formal Ceremony

Deat	h and Funeral Notices:
Wher	e do you want your obituary posted?
Flow	ers or Donations:
0	Flowers welcome Donations in lieu of flowers
View	ing:
0	No viewing Private family viewing General viewing
Gene	ral information about you which may be used in your obituary:
	difficult time for loved ones. Having notes of your accomplishments, membership, rs, employment, etc. helps to ease the stress of writing an obituary.
You	ertainly can write your own obituary if there is specifics you wish to include.
How	do you anticipate your funeral being paid for?
	noney has been allocated for this purpose? Is there funeral insurance (separate or ir blicy)?
Has a	burial plot, masoleum/drawer or cremation been purchased?

	FINANCIAL ASSETS LIST
	PROPERTY ASSETS LIST (real estate, vehicles, etc.)
PERSONAL A	ASSETS LIST (technology, furniture, artwork, jewelry, collectibles, etc.) Get appraisals on valuables
INITELLI	
INTELLE	ECTUAL ASSETS LIST (insurance policies, life, home, vehicle, etc.)

IMPORTANT PAPERS

Documents for	these items	are stored in	these l	locations:
---------------	-------------	---------------	---------	------------

A:

B:

C:

TEM	LOCATION	ITEM	LOCATION
Will(s) original	АВС	Retirement Papers	АВС
iving Will original	АВС	Retirement Accounts	АВС
POA Healthcare original	АВС	Funeral Arrangements	АВС
POA Financial original	АВС	Property Deeds (keys)	АВС
Safe Combination	АВС	Automobile Titles (keys)	АВС
rust Agreement	АВС	Mortgages (Notes)	АВС
ife Insurance Policy	АВС	Storage Unit Info (keys)	АВС
Health Insurance	АВС	Birth Certificate(s)	АВС
ong Term Care Policy	АВС	Military/Veterans Docs	АВС
Auto Insurance Policy	АВС	Marriage Certificate	АВС
Homeowner Policy	АВС	Children's Birth Certs	АВС
Rental Policy	АВС	Divorce/Separation Docs	ABC
Rental Agreement	АВС	Passwords & logins	АВС
Employment Contracts	АВС	(Banking, email, credit car	ds, computer, Wi-Fi,
Partnership Agreement	АВС	phone, social media, mei	mberships, online
Checking/savings Accts	АВС	accts., etcetera.	
Credit Cards	АВС	Passport(s)	АВС
Debit Cards	АВС	Social Security Card(s)	АВС
Safety Deposit Box Key	АВС	Pet Information	АВС
Physicians/Medications	АВС	HOA	АВС
Other:	_A B C	Household Services	АВС
Emergency Contact(s): _			
Physician:			
Clergy:			
Attorney:			
Accountant:			
nsurance Agent(s):			
Car			
_ife			

BANKING & INVESTMENTS

Make a copy of a recent statement for each account and add to this section of the binder.

ACCOUNTS:	
nstitution Name	
Vebsite	
account Type	
Account Number	
Routing Number	
Jsername	
Password	
Security Question(s)	
Card Number	
Pin	
nstitution Name	
Vebsite	
account Type	
Account Number	
Routing Number	
Jsername	
Password	
Security Question(s)	
Pin	
CD's:	
nstitution Name	
account Number	
Jsername	
Password	
Security Question(s)	
Sonds:	
Serial Number	
ssue Date	

Credit Union:	
Institution Name	
Account Numbers	
Username	
Password	
Security Question(s)	
Retirement/Investment accounts: (Be sure every account has a designation	ated beneficiary)
Company Name	
Website	
Account Number	
Broker Name	
Username	
Password	
Security Question(s)	
Beneficiary	
Company Name	
Website	
Account Number	
Broker Name	
Username	
Password	
Security Question(s)	
Beneficiary	
Company Name	
Website	
Account Number	
Broker Name	
Username	
Password	
Security Question(s)	
Beneficiary	

Bitcoin:	
Company Name	
Account Number	
Username	
Password	
Security Question(s)	
Pay out Accounts: (PayPal, Venmo, Cash Out, Square, etc. linked to	o accounts)
Company Name	
Account Number	
Username	
Password	
Security Question(s)	
Company Name	
Account Number	
Username	
Password	
Security Question(s)	
Company Name	
Account Number	
Username	
Password	
Security Question(s)	
Cash Back Accounts: (ibotta, Fetch, Social Nature, Aisle, any linked	d to bank accounts)
Company Name	
Account Number	
Username	
Password	
Security Question(s)	
Company Name	
Account Number	
Username	
Password	
Security Question(s)	

MEDICAL INSURANCE

Make a copy of your insurance cards, front & back and place in this section of the binder.

Medical:

Primary Provider	
Secondary Provider	
Dental	
Vision	
Prescription	
Primary Provider	
Dental	
Vision	
Prescription	
HSA	

MEDICAL CARE

Be sure your physicians and medical conditions are noted. Physician_____ Care Provided _____ Contact Information _____ Physician _____ Care Provided _____ Contact Information _____ Physician _____ Care Provided _____ Contact Information Physician_____ Care Provided _____ Contact Information _____ Physician____ Care Provided ____ Contact Information Physician_____ Care Provided _____ Contact Information _____ Physician Care Provided _____ Contact Information Physician_____ Care Provided _____ Contact Information _____

MEDICATIONS & ALLERGIES

Much of this is available from pharmacy website or online provider sites which can be added to this section of the binder.

Pharmacy Name
Address
Website
Phone
Medication
For
Dosage
Medication
For
Dosage
Medication
For
Dosage
Medication
For
Dosage
Medication
For
Dosage
Medication
For
Dosage
Allergies (include medication, skin and environmental allergic reactions)

INSURANCE POLICIES

Make a copy of the declaration page for each and place in this section of the binder.

Life Insurance:
Company Name
Policy Number
Username
Password
Security Question(s)
Payment method
Long Term Care Insurance:
Company Name
Policy Number
Username
Password
Security Question(s)
Payment method
Home Owners Insurance:
Company Name
Policy Number
Username
Password
Security Question(s)
Paid by
Automobile Income
Automobile Insurance:
Company Name
Policy Number
Username
Password
Security Question(s)
Payment method
Renter's Insurance:
Company Name
Policy Number
Username
Password
Security Question(s)
Payment method

MORTGAGES, LEASES, LOANS

Mortgage(s):	
Institution Name	
Username	
Security Question(s)	·
Payment method	
Rental Lease(s):	
i ayınısını inistilou	
Car loan(s):	
Institution Name	
Account Number	
Password	
Security Question(s)	
Student loan(s):	
Institution Name	
Account Number	
Username	
Security Question(s)	
Storage Unit(s):	
Company Name	
Account Number	
Address Entry Code	
•	
Username	
Password Security Quesiton(s)	
Payment Method	

CREDIT/DEBIT CARDS

Make a copy of your cards, front & back, place in this section of the binder. Note any card that is for automatic payments.

Card Name	_
Account Number	_
Credit Limit	
Jsername	
Password	
Security Question(s)	_
Card Name	_
Account Number	_
Credit Limit	_
Jsername	
Password	
Security Question(s)	
Card Name	_
Account Number	
Credit Limit	
Jsername	
Password	
Security Question(s)	
Card Name	_
Account Number	
Credit Limit	
Jsername	
Password	
Security Question(s)	
Debit Card Name	
Account Number	
Jsername	
Password	_
Security Question(s)	
Din	

TECHNOLOGY

Mobile Phone(s)	:
Number	
Amount	Auto Pay/Check
Number	
	Auto Pay/Check
Landline:	
Number	
Username	
	Auto Pay/Check
PASSWORD MAI	NAGER:
Provider	
Password	
Email Account(s): (icloud, AOL, Google, etc.)
Provider	
Username	
Password	

Provider		
Provider		
Donald an		
Password		
Desk Top Computer:		
Laptop(s):		
Username		
		
lpad(s):		
Internet Services:		
Provider		
Account Number		
Username		
Amount	Auto Pay/Check	
Software Services:		
Password		
	Auto Pay/Check	Monthly/Vearly

Provider		
Username		
	Auto Pay/Check	
Identify Protection	Services:	
-		
Account Number		
	Auto Pay/Check	Monthly/Yearly
Cable/Satellite Sei	rvices:	
Provider		
Password		
Amount	Auto Pay/Check	Monthly/Yearly
Streaming Services	s:	
Provider		
Username		
Password		
Amount	Auto Pay/Check	Monthly/Yearly
Provider		
Account Number		
Username		
	Auto Pay/Check	
Username		
Amount	Auto Pay/Check	Monthly/Yearly

HOUSEHOLD SERVICES

Make a copy of a recent bill for each service and place in this section of the binder. Note any service which is on auto pay and if it is debited or placed on a credit card.

Electric:
Website
Username
Password
Payment Method
Garbage/Recycling:
Website
Username
Password
Payment Method
Gas:
Website
Username
Password
Payment Method
Lawn Care:
Website
Username
Password
Payment Method
Water/Sewer:
Website
Username
Password
Payment Method
Sewer:
Website
Username
Password
Payment Method

SOCIAL MEDIA

FACEBOOK		
Username	 	
Password		
TWITTER/X		
Username		
Password		
INSTAGRAM		
Username		
Password		
SNAP CHAT		
Username	 	
Password		
PINTEREST		
Username	 	
Password		
OTHER		
Username	 	
Password		
OTHER		
Username	 	
Password		

MEMBERSHIPS, ORGANIZATIONS, & SUBSCRIPTIONS

Make a copy, front & back, of any membership or organization cards for which you have paid dues and place in this section of the binder. Note dues paid.

Make note of paid digital and hard copy subcriptions. Use address label from hard copies and payment page from digital subscriptions7. Note subscription period.

Memberships:	
Organizations:	
Other Subscription (paid digital & hard	l copies):

OTHER USERNAMES & PASSWORDS

Do you use a PASSWORD MANAGER? Be sure to include it here!

Website: User Name: Password: Security Question (s): Notes:	Website: User Name: Password: Security Question (s): Notes:
Waltaria	Walachar
Website:	Website:
User Name:	User Name:
Password:	Password:
Security Question (s):	Security Question (s):
Notes:	Notes:
Website:	Website:
User Name:	User Name:
Password:	Password:
Security Question (s):	Security Question (s):
Notes:	Notes:

Website:	Website:
User Name:	User Name:
Password:	Password:
Security Question (s):	Security Question (s):
Notes:	Notes:
Website:	Website:
User Name:	User Name:
Password:	Password:
Security Question (s):	Security Question (s):
Notes:	Notes:
Website:	Website:
User Name:	User Name:
Password:	Password:
Security Question (s):	Security Question (s):
Notes:	Notes:
Website:	Website:
User Name:	User Name:
Password:	Password:
Security Question (s):	Security Question (s):
Notes:	Notes:

D		
Γ	_ ı	J

Person(s) or facility to care for your pet(s) in an emergency:
Name of Responsible Party
Contact information
Name and pet type:
Name and pet type:
Name and pet type:
Veterinarian
Contact Information
Person who will take guardianship of your pet(s) upon death:
Name of Responsible Party
Contact Information
Name and pet type:
Name and pet type:
Name and pet type:
Veterinarian
Contact Information

Attach basic instructions for each pet including medications, and habits and general care needs.

1. Name the desired new owner for your pet in a Will or with a Codicil

The most straightforward and solidifying way to ensure your pet is taken care of after you die is to name a new owner for your pet. This can be done through your Estate Plan, specifically your Will or Trust.

If you choose to use a Will, you can simply name the individual who you wish to become your pet's new owner if you pass away. If you have not named a person in your will, a codicil can be used to amend it. You can also choose to leave a part of your estate outright to be used for your pet's care. Although this individual won't be legally required to care for your pet in any particular way, or use the funds in any particular way, you get to choose someone that you trust. An alternate Pet Guardian can be named in case the first predeceases you.

Leave written instructions for your pet's care that they can refer to.

2. Name the desired new owner for your pet in your Trusts or in your POA

Similarly, you can nominate your desired owner for your pet in a Living Trust. This works very much the same as naming the owner in your Will. Another option to consider is creating a Power of Attorney, and giving your named POA the discretion to handle your affairs including making arrangements for your pets should you pass away or become incapacitated.

3. Create an actual Pet Trust

You also have the option to go the extra mile to create a Pet Trust. This is an estate planning tool used to ensure that your pet is taken care of after you pass away. Similar to a normal Trust, you can use your Pet Trust to name a person who shall take care of your pet, and provide them with the funds necessary to do so. You can also leave instruction for your pet's care.

When you pass away, the named Trustee will receive both the pet and the funds to take care of the pet. Unlike a provision in a Will or Living Trust mentioned above, a Pet Trust creates an actual legal obligation to care for your pet in a certain manner, and use the funds to only take care of the pet in the ways in which you have specified. Pet Trusts do fall under the purview of Trust law, so it can provide the greatest level of confidence that your pet will be taken care of exactly the way you'd like.

4. Sign up with an organization dedicated to finding homes for orphaned pets

If you can't find the proper person who'd be willing and able to take care of your pet. Luckily, you can also sign up with a charitable organization that is dedicated to finding homes for orphaned pets. These organizations make sure that your pet won't wind up in a kill shelter, and will work hard to place your pet in a loving home. There are also several organizations that will take care of your pet for the remainder of its life. This often requires a large donation, such as \$10,000 to \$25,000.