

The Sykes Law Office

An informative brochure providing information about estate planning; planning for the future to preserve and protect your assets

Overview of Estate Planning

An estate plan is important for all families because it provides a foundation for the security of one's assets. The obstacles and hardships that come along with asset distribution upon an individual's death will be reduced or even eliminated with a carefully designed estate plan. With an estate plan in place, the family achieves a clear vision for the future because the way their assets will be handled has been set forth according to their wishes. There is never a better time to create a comprehensive estate plan than now.



Estate Plans

Estate plans generally include several instruments to effectively protect an individual's assets. The instruments include a last will and testament, living or testamentary trust, general and/or durable power of attorney, health care proxy, and in some states, an advance medical directive. The purpose of these documents is to carry out an individual's wishes, despite his/her health problems, incapacity, or unforeseen circumstances.

Wills

A last will and testament allows an individual to distribute assets according to the His or her wishes rather than through the intestacy laws of the state where he or she resides. The last will and testament helps family members to handle the finances and property distribution upon the individual's death with less stress because the deceased's intentions are clearly set out in writing. The deceased's directions regarding distribution of personal possessions and real estate will more likely be respected if he or she creates a personal will. Additionally, an executor can be named to handle the estate, thereby avoiding a court proceeding to appoint an administrator. Finally, an individual with children can designate a trustee or guardian for his/her children to keep from having the court appoint persons to these important fiduciary positions without parental guidance.

Trusts

A trust benefits the individual and the beneficiaries named in the trust. The individual who creates the trust, called a "donor", can designate themselves, their children, their grandchildren, or anyone else they may desire to be the beneficiaries. For example, a family with a disabled child may create a special needs trust to protect the child's eligibility for important benefits. A trust allows an individual to name a trustee or trustees to control the trust assets for a pre-determined period of time. A trust can be controlled by the donor as a self-appointed trustee until he/she becomes deceased, incapacitated, or a permanent resident of a long-term care facility, at which time the trust benefits the successors in interest. A trust, like a will, names specific beneficiaries to receive the assets and property from the donor. Unlike a will,

172 William Street, New Bedford, MA 02740
Tel # 508.979.8070 Fax # 508.979.8060
web site: www.sykeslaw.com

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however, trust assets need not go through probate proceedings. The trust is therefore not subject to certain estate taxes, which is advantageous to the estate. This firm is experienced in most areas of trusting assets, and works closely

with other experts in fields such as accounting and taxation to help preserve and protect your assets. Trust assets can be bonds, money, real estate, or stocks.

Durable Power of Attorney

A durable power of attorney allows a designated person to act as an agent for an individual who is no longer able to handle his/her financial affairs. The power given to the agent to manage the assets may be broad or narrow. A durable power of attorney is an easy way for an individual to assure that someone trusted will handle his or her finances rather than a court-appointed person.

Health Care Proxy

A health care proxy should be created because it appoints an agent to make necessary medical decisions, if the individual is unable to make his/her own decision due to illness, incapacity or unforeseen circumstances. The health care proxy conveys the wishes of the individual and helps to guide the agent to make appropriate decisions.

Advance Medical Directive

An advance medical directive is important because it expresses the individual's wishes with respect to specific medical procedures despite his/her inability to make a decision. In Massachusetts, a health care proxy fills this role.

Summary

An estate plan is important for all individuals, regardless of financial status, because it helps to carry out the individual's wishes. An effective estate plan can give an individual a sense of certainty regarding the future of his/her assets and it helps make for a smooth transition of assets after death. A competent and complete estate plan is an important guide for an individual's family because it reassures them of the deceased's intent, making for an informed decision.

The Sykes Law Office is experienced in these areas and can help with your educational, financial, or retirement planning. We can offer tools to help preserve and conserve your assets so that they will be available when you need them, and we can show you how to properly use them. We understand the need for timely and satisfactory performance in all areas of the law, and we offer professional and efficient service from a knowledgeable and courteous staff.

I think our Mission Statement says it best: we regard our work as a service to our clients and expect to be a positive influence in helping our clients to meet their goals. We expect a high level of competence from all those who work here, and feel we have accomplished that objective.

We hope this information has been informative and helpful, and that you will consider this firm for your estate planning and real estate needs.