



# FedCheck for Overcoming Estate Plan Obstacles

## Five Solutions to Help You Stop Procrastinating and Start Planning

If you've been procrastinating about your estate planning, here are obstacles to avoid and ways to get started.

Obstacle	Solution
<b>#1</b>  "I know I need estate planning, just not yet"	<b>Set a Deadline</b>  "I'll get to it eventually" is a common, but costly, attitude when it comes to estate planning. The idea that estate planning is only needed by the elderly and infirm is a popular myth. While this is understandably comforting, the truth is that life is unpredictable. The consequence of waiting until a crisis is already in progress means several missed estate planning opportunities. The huge risk of thinking you're too young and healthy for estate planning is that you'll wait too long. Not to mention that worrying about finances and paperwork is the last thing people want to do when a loved one has died or has been diagnosed with dementia.  The best estate plans take time to create, and change over time as families and circumstances change. By tackling your estate planning needs early, you'll be buying yourself peace of mind now, and will be easing the burden on your family down the road.  If you find that the list of excuses to avoid estate planning never seems to end, try setting a deadline for yourself to complete your estate planning. Whether it's your next birthday, an anniversary, or the end of the year, give yourself a timeline and get started.
<b>#2</b>  "I'd like to work with an attorney, but  a) they're too expensive;  b) I can probably do it myself;  c) I don't know with whom to work,  d) any or all of the above."	<b>Schedule an Initial Meeting</b>  Most people will benefit from working with an estate planning attorney, rather than going the do-it-yourself route. Cookie-cutter plans offered by online services take a one-size-fits-all approach, which may or may not fit the needs of your specific circumstances. An experienced estate planning attorney will help you weigh the pros and cons of various options, will guide you through any sticking points or concerns, and will make sure your documents are properly prepared and executed.  If you are stuck on whether or not you should work with an attorney, schedule an initial meeting first, and then decide whether it would be helpful to continue working with them. Many estate planning attorneys do not charge for an initial consultation, but you can always ask when scheduling your meeting to make sure.  If you are concerned about costs, let your attorney know your budget at the beginning of your meeting. This will help your attorney manage time and resources, or refer to you another attorney, if necessary.  The best place to start is by asking your family, friends, accountant or financial planner for recommendations if you do not have an attorney in mind. If you're new to the area or if you don't feel comfortable asking for recommendations, your local or state bar association will also be able to point you in the right direction.



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<p><b>#3</b></p> <p><b>“I’m disorganized and overwhelmed”</b></p>	<p><b>Prepare a List of Your Assets</b></p> <p>If you’re overwhelmed by the thought of tackling your estate plan, you’re not alone. Figuring out what should happen to your assets when you pass away is a daunting task. To ease into the process, remove death from the equation and simply make a list of all your assets. You don’t need to itemize every piece of furniture, but pulling together a list of your investments, cash accounts, life insurance policies, retirement plans, business interests, real estate, and other assets is an easy first step.</p> <p>For each asset, your list should include the type of asset, how each asset is titled (for example, jointly, in your individual name, or held by a trust or business entity), an approximate value, and any debt held against the asset. For retirement accounts and life insurance policies, also list the people you have named on your beneficiary designations as the primary and contingent beneficiaries.</p> <p>Getting organized has two benefits. First, it serves a “paperwork fire drill” which allows you to make sure that if something happens to you tomorrow, your loved ones will have a starting point for figuring out everything you own. Additionally, it will provide you with some good next steps. Perhaps remembering those old retirement plans with your former employer reminded you that you still have your ex-spouse named as the beneficiary. Now is a great time to make sure your beneficiary designation forms are updated.</p>
<p><b>#4</b></p> <p><b>“I don’t like giving up control”</b></p>	<p><b>Select a Decision Maker You Trust</b></p> <p>The idea that we may not always be mentally or physically able to make our own decisions is terrifying. Estate planning can help ease such fears by allowing you to pick the decision-makers who will be in charge in the event of your death or disability.</p> <p>A person who is named to act on your behalf or on behalf of your family is called a fiduciary. This may be the person named as executor under your last will and testament, the attorney-in-fact under your power of attorney or medical directive, or as trustee of a trust. The duties of a fiduciary vary depending on the position they serve, but all fiduciaries are under a legal obligation to act according to your stated wishes and best interests, not their own. While it’s not always easy to pass off important responsibilities to another person, clearly drafted estate planning documents can ensure that your specific wishes are known and followed.</p> <p>When deciding who to appoint to any fiduciary role, be sure to consider both the qualities of the person you are selecting, as well as your personal family dynamics. Naming your oldest child or naming all of your children to serve jointly may not be the best option. The ideal person to serve as a fiduciary for you and your family will be local, financially and personally responsible, well-organized, and familiar with your family and your intentions toward them upon your death.</p> <p>If you don’t have a list of reliable and responsible people to depend on, or if you simply don’t know how to choose, don’t worry. The inability to make decisions over who will be in charge is a common reason for why people avoid estate planning. If you find yourself getting stuck at this stage, it may be time to call an attorney for advice. An estate planning attorney can help you weigh the pros and cons of various options and will help you come up with a plan that is comfortable for you. Furthermore, if there are particular aspects of control that you want to retain, an attorney will be able to draft your documents accordingly.</p>



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<p><b>#5</b></p> <p><b>“I have reservations about leaving assets to certain people”</b></p>	<p><b>Consider Leaving Assets in Trust for Beneficiaries</b></p> <p>Choosing who should receive your assets after you pass away can be complicated. Whether it's keeping money protected for young or financially irresponsible children, managing assets for a loved one with a disability, dividing assets between children from a prior relationship and a current spouse, or not knowing how best to distribute assets to beneficiaries are very common obstacles.</p> <p>If you find yourself facing a similar roadblock, the answer is often to leave assets in trust for a beneficiary, rather than leaving money to a person outright, without any supervision. Many trusts are designed to prevent beneficiaries from spending irresponsibly. In these cases, assets are placed in trust and managed by a trustee, who ensures that the assets are managed responsibly and used appropriately for the beneficiary's benefit. Other trusts are designed to protect the inheritance of children from a prior relationship if a parent has remarried. These trusts can allow a surviving spouse to use assets during their lifetime, but ensures that the remaining assets will ultimately pass to the deceased spouses' children from a prior relationship. The terms and scope of trusts vary depending on specific needs, and can be written to address a wide variety of concerns. An experienced estate planning attorney will be able to guide you through the process and find solutions to the questions that worry you.</p>

Failing to have an estate plan results in significantly squandered time and money, and adds to the headache and heartache your loved ones will already be facing. To get started:

- ✓ Set a deadline
- ✓ Decide who will draft the documents
- ✓ Pull together your financial information
- ✓ Compile a list of your decision makers and heirs
- ✓ If you can't choose, prepare a list of questions and concerns to share with your attorney

**Congratulations –**

**you've overcome the major obstacles and your plan is already well underway.**