

Top 5 Reasons for Estate Planning

1. **It's your property. You should decide you inherits it.** What you leave behind is part of the product of your life's work. It's your natural right to determine who inherits your wealth when you're gone. This is accomplished through basic planning in the form of a Last Will and Testament, a Trust, and/or testamentary substitutes (e.g., "in trust for" bank accounts, life insurance, deeds with retained life estates). If you don't make an estate plan, however, your property will pass according to the "default will" created by the NYS legislature. You've worked too hard to let the government make such decisions for you.
2. **What if you don't die?** If you get hurt or sick and lose the capacity to manage your own affairs, who is going to attend to them for you? Unless you make a power or attorney, someone not of your choosing will have to bring an expensive legal proceeding to become your court appointed guardian. Unless you have made a health care proxy, the person given the ability to make your health care decisions — including those about life ending/sustaining treatment — is named by the legislature's default statutory plan.
3. **Sometimes there needs to be strings attached.** If something happens to you, should your 5 year old child get a check from the life insurance company? Can even your 18 year old be trusted with an outright inheritance? Sometimes we wish to leave property to people who are not in a position to manage it responsibly, such as a minor child, disabled person, a person with creditor problems, etc. You may consider making a restricted gift to that person, by creating a trust or an UTMA account for them, for example.
4. **The government doesn't need a gift from you.** Both the federal and New York State governments impose an estate tax at very high rates. The best way to mitigate the confiscatory bite of these taxes is to plan. If your total gross estate exceeds \$1 million, you may wish to explore planning with the marital or charitable deductions, applicable credit, and other advanced planning techniques. Why allow money to be diverted away from your intended beneficiaries and towards politicians? If somebody is going to waste your hard earned wealth, wouldn't you rather it be somebody you know?
5. **Peace of mind.** Take a moment and consider: If you die tomorrow, will you leave a mess behind for your loved ones to make sense of? Does anyone really know what you want done with your wealth? Who is going to take care of your children? How about your pets? Who is going to consent (or not) to administering the feeding tube if you are in the hospital, unresponsive, with no reasonable hope of recovery? The purpose of estate planning is to answer these questions in advance. The people you leave behind will already be left with grief; they should not also be left with questions.

If you are interested in speaking to one of our estate planning attorneys, please call Higgins, Roberts, Beyerl & Coan, P.C. today at **518-374-3399** for an appointment.