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Protecting **your** legacy.

# Estate Protection Plan

Learn what you need to protect  
your estate and care for your  
family's future.



# Estate Protection Plan

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Below is a checklist you can use to ensure that you're prepared for what the future may hold. We created this document to help families and individuals prepare legally for the future. We want to ensure you and your family are treated fairly and equitably no matter what the future may hold.

## **Revocable Living Trusts:**

This estate protection tool has gained popularity in recent years due to its simplicity, efficiency, and ability to avoid probate after death. These trusts are considered "living" because they can be modified to fit life's changing circumstances. They are great tools for the private individual that wishes to avoid wasting time and money on court costs; a situation that is synonymous with probate. Although trusts sometimes get a reputation for being overly complex and expensive... this could not be further from the

truth.

## **Why you need one:**

Because you don't want to give the Court system control of your finances and your decisions. By establishing a Trust, you cut the court system out of the equation, and instead decide where your hard-earned money should go, when it should go there, and how it gets there. By saving money avoiding probate, more money goes to your beneficiaries and less goes for administrative costs. Further, setting up trusts can help with asset taxation, and let you keep more (of give more) without having to factor in secondary costs.

## **Last Will and Testament:**

These well-known documents specifically outline how personal property should be distributed after death. However, Wills have recently evolved into far more sophisticated tools by also naming guardians for your remaining underage children, naming guardians for specific pieces of property, outlining how debts and taxes should be paid, and in some cases even providing for your furry friends; pets. While "Do-It-Yourself" kits may be a suitable for woodworking, advanced legal documents have evolved (and are evolving) so rapidly that errors prevalent with these documents have the potential to cost tens of thousands of dollars in penalties and lost revenue.

## **Why you need one:**

Because you should be directing your hard-earned money... not the Court system. A Final Will and Testament gives you control over resources, debts, taxes, and even allows you to name a guardian for your children. Failure to establish a Will makes you "intestate." If this occurs, your entire estate passes through archaic court system rules, and this system will not distribute your estate nearly the way you would prefer. Regardless of your stage of life, there's a need for a Final Will, and recent legal updates have made them even easier to draft and more affordable to attain.

## **Living Wills:**

These documents provide families with a tangible instruction manual if they are faced with the difficult decision of making healthcare decisions if you're unresponsive, or too ill to direct your own care. Although this

document is vastly different from a Final Will or Living Trust, it nonetheless plays an important part of your Estate Protection Plan. It is your opportunity to outline specific wishes about your continuing critical medical care, even if you're unable to direct this care in real time.

### **Why you need one:**

If you became incapacitated, who will be making your medical decisions? A parent? Significant other? The Court? Do you even know? Living Wills are your notice to the world regarding your medical care after you become incapacitated. As medical breakthroughs keep occurring at record paces, you'd be unwise to leave your life in the hands anyone but you. You as an individual know exactly whether or not you want to be kept alive or not during critical medical decisions involving artificial life machines. Make your wishes known, and create a Living Will.

### **Durable Power of Attorney:**

This document nominates an "Attorney-in-Fact" that, for all legal purposes, is equal to you in your decision-making ability. It gives someone else the authority to act in your stead. This Power of Attorney is "durable" because it lasts if you should become incapacitated, or become otherwise unable to conduct your affairs on your own. For estate planning purposes, Durable Power of Attorney is the preferred method due to its encompassing nature. While revocable, Durable Power of Attorney powers should not be given away lightly.

### **Why you need one:**

A Durable Power of Attorney is created to prevent financial and societal gridlock in the event you cannot complete critical decisions on your own. You appoint an "Attorney-in-Fact" (not really an attorney) to make important life decisions for you. This power is "durable" because it carries on after you become incapacitated, thereby allowing your Attorney-in-Fact to keep issues under control. This power gives you control over the principal's real estate, stocks, bonds, businesses, banking issues, and practically everything else (except Health Care). It's important because, without one, your family would have to go through costly legal proceedings to act in your stead when that need arose. Durable Power of Attorney agreements fix this costly inconvenience. Be overly sure that the Durable Power of Attorney you appoint has your best interest in mind. After all, they

do have control over almost every aspect of your life. However, regardless, you do have the ability to revoke a Durable Power of Attorney agreement if you'd like to.

## **Healthcare Power of Attorney:**

While similar to a Durable Power of Attorney or Living Will, this nuanced document is critical for outsourcing control of your medical needs if you are unable or too ill to outline them on your own. It differs from a Living Will in the areas of care outlined. While Living Wills focus more on your wishes during incapacity... a Health Care Power of Attorney tool gives someone you trust control over almost every conceivable medical decision you may encounter. Although a Durable Power of Attorney allows your Attorney-in-Fact to make financial and social decisions for you, this more nuanced document is necessary to provide guidance and instruction for specific medical issues prone to appear during periods of incapacity or non-communication.

### **Why you need one:**

This specific type of Power of Attorney agreement is critical for health-care related issues. While a Durable Power of Attorney is needed to manage your financial and social affairs, a Health Care Power of Attorney gives your Attorney-in-Fact control over your healthcare in circumstances where you are either too ill or incapacitated to make decisions on your own. Don't worry, if you're not incapacitated, you can still make decisions for yourself. However, if you are incapacitated, this agreement will save your family thousands of dollars in legal fees to attain control over your life, which you probably would have given them anyhow had you known this situation had the possibility of occurring.

## **Funeral Directive:**

A relatively new form in the state of Indiana, this directive gives you the ability to dictate burial instruction and funeral arrangements. Further, it provides sections for additional instructions and alternate arrangements to sufficiently honor your after-death arrangements. While some may see this form as morbid and unnecessary, the reality is that by disclosing your final burial wishes, you make the inevitable reality of death far more sufferable for the living. A little bit of forethought will save your family hours of heartbreak later on.

## **Why you need one:**

Because you want to give your family time to grieve, and desire to disrupt their lives as little as possible. This document sets out your funeral plans, arrangements, and any final wishes you may have. Instead of forcing your family to predict your burial arrangements, spell it out for them. The document is inexpensive, uncomplicated, and practically a no-brainer.

# Call to Action

Want more help with your legal needs? We're happy to help guide you through the process.

Call (574) 383-  
9544



# About Tanner



Tanner Brooks, founding member of Brooks Legal, graduated magna cum laude from Indiana Wesleyan University in December of 2012. A native of Indiana, Tanner grew up with the midwestern mentality of hard work, dedication, and loyalty. In 2016, Tanner graduated from Indiana University's Maurer School of Law. At Maurer, he competed in the prestigious Sherman Minton Moot Court competition, and was an Associate on the nationally-ranked flagship journal; the Indiana Law Journal ("ILJ"). While in law school, Tanner interned for multiple private defense contracting corporations in the District of Columbia. In addition, he interned for the United States District Court for the Eastern District of Michigan located in Detroit, Michigan. These experiences and others have provided Tanner with experience working in both the judicial and legislative branches of state and federal government.



# Legal Disclaimer

Individual circumstances may vary widely. This form is for your consideration, and should not be mistaken for legal advice.