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WILLS, OTHER DOCUMENTS EVERYONE SHOULD HAVE

A will is one of the most important documents you



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When a person dies without having a will, they die "intestate." A person

can create to protect assets after your death. Amazingly, about half of all Americans die without executing a will during their lifetimes.

who passes away with a valid will dies "testate." The difference between these two statuses can be similar, but to be certain that property falls into the hands of the intended individuals, wills offer an easy, inexpensive way of ensuring a decedent's "will."

As long as a person is over the age of 18 and mentally capable, he or she can execute a will. A person can also designate who they want to be the guardian of their children in the event of their death.

Without a will, the courts distribute a deceased's property according to the laws of intestacy. The layout of intestacy laws in Florida is contained in Florida Statute 732.103.

Wills become even more important in situations where a person wants a non-relative to inherit. Under certain circumstances, situations can arise where a person has no living relatives, and their property can actually become the property of the state of Florida. This process is called "escheating" to the state. A simple will can avoid this unwanted result.

Any attorney that offers to construct a will for you should also offer to create a living will, designation of health care surrogate, and durable power of attorney for you as well.

People oftentimes confuse the concepts of "wills" and "living wills." Living wills are also very important, but this is an entirely different document. Wills dictate an individual's wishes for the property they own at the time of their death. Living wills concern the extent of care and treatment you want to receive in the event you are terminally ill and/or permanently unconscious.

A living will would have put to rest the current issues regarding terminating Terry Schiavo's life support that has been all over the news for the last few weeks.

The "Designation of Health Care Surrogate" is also extremely important. Unlike a living will, the health care surrogate is the person you want to make medical decisions for you in the event you are not capable of doing so due to

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CONTINUED FROM PAGE 28

injury or illness.

While the living will tells medical providers to not resuscitate an individual if they are in a certain condition, the designation of health care surrogate specifically states who the individual wants to make medical decisions for him or her in the hopes that the person will get better.

A "Durable Power of Attorney" allows a specifically named individual to make financial decisions for a person who is not able to do so for himself. This is a good idea for individuals who have difficulty dealing with their financial affairs, and a family mem-

ber or individual is performing these tasks for them, such as paying bills.

Although many of these documents can be obtained through Internet services that offer to create them for cheap prices, for something as important as a person's estate, it is advisable to have an attorney construct these documents for you. Most attorneys will produce all of these documents for you at an inexpensive cost, so this is a relatively small investment for such important papers.

Additionally, Florida Statute 732.502 has very specific requirements with regards to signatures on wills and other documents, and if they are not signed property, they can be void

and ineffective.

Whether you decide to obtain these documents through the services of an attorney or on your own, the most important decision is to have them done before the inevitable. It may not be something you want to think about, but unfortunately, this reality exists for all of us.

In the end, your family will thank you for your decision to obtain these documents, alleviating one less potential problem during an already difficult and stressful time.

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