



COMPASSIONATE, GENERATIONAL LEGAL SERVICES

The 10 Estate Planning Documents You're Probably Forgetting – And Why They Matter

When most people think of estate planning, they imagine a will that says who gets what. But estate planning is much more than that! It's about making sure your wishes are clear, your loved ones are protected, and that no one is left guessing about what you wanted. While there are many documents that can be part of an estate plan, here are some essential ones—including some that don't get talked about often!

The Essentials

These are the documents most people know about:

- **Will** – This is your set of instructions for who receives your assets after you pass away.
- **Trust** – A powerful tool to manage assets for your loved ones, avoid probate, and provide tax benefits.
- **Power of Attorney** – A document that lets someone make financial decisions for you if you can't.
- **Healthcare Surrogate (Medical Power of Attorney)** – Allows someone to make medical decisions on your behalf.
- **Living Will** – Specifies your wishes for life support and other medical treatments if you're unable to communicate.

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Documents That Are Often Overlooked

These important documents can make a big difference in how smoothly your estate plan works.

1. Pre-Need Guardian Designation

A Pre-Need Guardian Designation allows you to choose in advance who will take care of your personal and financial affairs if you ever become incapacitated and need a guardian. This document is crucial because, without it, the court will step in and appoint someone to serve as your guardian—and that person may not be who you would have chosen.

2. Assignment of Property to a Trust

If you have a trust, you need to legally transfer your assets into it. This includes:

- Bank accounts
- LLC or business interests
- Stock ownership - If property isn't properly assigned, it may end up going through probate, even if you have a trust.

3. Bill of Sale for Trust

A bill of sale is a simple document that confirms you are transferring your personal property (like furniture, artwork, and other valuables) into your trust. This makes sure those items are managed according to your wishes.

4. Letter to Mortgage Lender and Homeowner's Insurance Company

If you transfer your home into a trust, you should notify your mortgage lender and homeowner's insurance company so there's no confusion. This keeps them from treating the trust transfer as a "sale" or causing issues with coverage.

5. Lady Bird Deed

A Lady Bird Deed (also known as an Enhanced Life Estate Deed) allows you to transfer property to someone else upon your death without going through probate. You keep full control over your property while you're alive, but it automatically passes to your named beneficiary when you pass away. This is a great way to protect your home while avoiding probate in Florida.

6. Disposition of Remains

Who decides what happens to your body after you pass away? In Florida, there's a legal order of priority:

1. The person you designate in writing.
2. Your surviving spouse.
3. Your adult children.
4. Your parents.
5. Other relatives in a specific order. If you want to make sure your wishes are followed—whether it's burial, cremation, or organ donation—you need to put it in writing.

7. Form to Donate Remains

If you wish to donate your body for medical research or organ donation, a separate document is needed. Some people register with programs that accept body donations, but you should also make sure your family is aware of your wishes.

8. Separate Writing Memorandum

Did you promise your niece your grandmother's ring? Want to leave a special heirloom to a friend? Florida law allows you to write a separate writing memorandum, a simple document where you list who gets specific personal items. It must be signed and referenced in your will but can be changed at any time without updating the entire will.

9. Preparation of Corporate or LLC Documents

For those who own businesses or plan to start one, estate planning should include business succession. This means preparing the right documents, such as:

- Articles of Incorporation or Organization (for corporations and LLCs)
- Operating Agreements (for LLCs, outlining how they are managed)
- Buy-Sell Agreements (defining what happens to business interests when an owner dies or exits)
- Corporate Resolutions (formalizing key decisions and authorizations) Making sure your business is structured properly in your estate plan ensures it can continue to run smoothly and benefit your loved ones.

10. Beneficiary Designation Forms

Beneficiary designation forms are often overlooked but play a crucial role in estate planning. These forms are used for accounts like life insurance policies, retirement accounts, and payable-on-death bank accounts. They allow you to name who will receive these assets after you pass away, and they override anything written in your will or trust.

It is important to review and update your beneficiary forms regularly. Life changes, such as divorce, remarriage, or the passing of a named beneficiary, may impact your current designations. If an ex-spouse or a deceased person remains listed as a beneficiary, your assets may not go where you intended.

Final Thoughts

Estate planning isn't just about deciding who gets what—it's about making things as easy as possible for your loved ones and ensuring your wishes are honored. While this list isn't every document that might be needed, these are some of the most important, including ones that are often overlooked.

If you want to make sure your estate plan is complete and up to date, we're here to help!