



STEPHANIE TOWNSEND ALLALA & ASSOCIATES, PLLC

AN OVERVIEW OF ESTATE PLANNING DOCUMENTS

DURABLE POWER OF ATTORNEY

A Durable Power of Attorney is a contract between two individuals where one party (the principal) gives to the other (the agent) the authority to make any number of decisions (e.g. financial, business, real estate) on his or her behalf, even if the principal later becomes mentally incapacitated.

MEDICAL POWER OF ATTORNEY

A Medical Power of Attorney gives another person the authority to make medical decisions for you if you are unable to make them for yourself. Unlike a Healthcare Directive, this document does not necessarily state what type of treatment you want to receive. You can leave those decisions to your proxy (sometimes called an attorney-in-fact, agent, or representative) if you feel comfortable doing so. Ideally, however, the two documents will work together.

HEALTHCARE DIRECTIVE

A Healthcare Directive, also known as a Living Will, Directive to Physicians, or Medical Directive, sets your wishes about what extended medical treatment should be withheld provided if you become unable to communicate those wishes. The Directive creates a contract with the attending doctor. Once the doctor receives a properly signed and witnessed Directive, he or she is under a duty to either honor its instructions or to make sure that the patient is transferred to the care of another doctor who will. Many people mistakenly believe that healthcare directives are used only to instruct doctors to withhold life-prolonging treatments. In fact, some people want to reinforce that they would like to all medical treatment that is available; a healthcare directive is the proper place to do so.

DESIGNATION OF GUARDIAN

A Designation of Guardian is the document you use when deciding who shall be your guardian, whether it be of your person, your estate, or both. This document becomes effective if you are declared incapacitated and there are no valid powers of attorney naming an individual whom you have indicated to make decisions on your behalf. The Court will use this document when determining who should be named as your guardian and make decisions on your behalf.

WILL

A Will is a document which directs how you wish your property to be disposed of upon your death. This document remains valid unless or until it is revoked by you. A Will can range from a simple one, where you bequeath your property to your spouse, or other loved ones, to a complex one, where you may place your property in a trust for the benefit of your heirs.