

Planning

A publication of the Estate Services Department
Florida Conference of Seventh-day Adventists

Will your will be known?

The end of one's life is not easy to contemplate. Perhaps this is why seven out of every ten people die without a will, and miss the opportunity to express their wishes.

Most of us have every intention of planning for our family and our future, so we have prepared this publication as a starting point, a guide, to show that the creation of a will does not have to be complicated. And, our resources are available to help you with the highest level of confidentiality and professionalism, whether your estate is complex or simple, with no strings attached.

What happens if there's no will?

When someone dies without a will (intestate):

1) There is often unnecessary expense. The court now requires a bond. Attorney's fees also increase because of further complexity.

2) The law specifies distribution of assets, which differs in every state. If property is located in several states, each state will enforce its own provisions.

Generally, property is first transferred to the spouse, then to the children, then to parents, and then to brothers and sisters. However, some states require that property be divided equally between spouse and children. And in some, if the father passes away, the spouse receives only one-third of the property and other family members receive two-thirds.

3) The court appoints a guardian for minor children. Often, the person selected as guardian by the court would be very different in personal values than the original parents. Courts are not very well qualified to judge in such matters, so it is important to include this provision in a will.

Definition

Intestate.

He who dies without a will.

Testate.

One who dies with a will.

The Last Will and Testament

A will contains an individual's formal instructions for the disposition of his or her property (estate) at death. The following are a few points to remember:

1) A will should be drafted by an attorney knowledgeable in estate planning.

2) Property ownership is not affected during lifetime. The will does not become effective until the individual's (testator's) death.

3) Specific items of property may or may not be mentioned. An estate can be distributed by shares or percentages. This way, the sale or acquisition of property during one's lifetime does not necessitate changes in the estate plan.

4) The individual's choice of a personal representative (executor) should be designated in the will, as well as a guardian for any minor children. If these are not specified, upon death, individuals to serve in these capacities will be designated by the probate court.

5) The personal representative has the responsibility of collecting the decedent's assets and distributing them according to the will. The administration of the estate is carried out under the supervision and direction of the probate court.

6) A will can be changed or entirely redrafted at any time.

Definition

Probate Court.

A court that has jurisdiction chiefly over the administration of a deceased person's estate. The probate court officially recognizes and registers that the Last Will and Testament is genuine.

Will planning checklist

There are a number of items that need to be considered when planning an estate, although all will not apply to everyone. Having a plan and clarifying your objectives will simplify the process. Understanding the tools and methods available and the risks and potential problems that can occur is essential. Choosing good advisors will give you the assurance that you have thought about all the possibilities as you make your choices.

1) Estate Planning

- What is the value of your estate?
- Who is listed on the property titles?
- Life insurance. Who owns

the policy? Who is designated to receive benefits?

- What about pension plans? These can include IRAs, annuities, and company pension plans.

2) Whom do you wish to benefit from your will?

- Family, friends.
- Charities, such as your college, your church, a relief fund, a hospital.

In addition to helping family members, many individuals see their will as an opportunity to communicate specific wishes for the support of charitable organizations. There is a great sense of self-worth and accomplishment that comes from using part of our material blessings to help others.

Bequests made to family or a charity can be accomplished in three ways:

- A fixed amount.
- Specific property.
- A percent of the estate.

If you have a will, is it signed?

It is quite common to have a will drafted and fully completed but not signed. Without a signature, a will is ineffective.

As we face this responsibility in making decisions for ourselves, our families, and the Lord, there is comfort in knowing that we can plan for the future in a manner that meets our convictions, assisted by people in whom we have confidence.

Will or Trust?

There are a number of ways, other than a will, that property can be transferred. A trust, for example, established by one person in trust for a second, will bypass probate upon death.

A trust can also be established for minor children. Usually, this trust lasts until the youngest reaches a certain age. Until that time, all of the trust assets are available at the discretion of the trustee for any child that has a need.

Covering all the bases

We hope this information has been helpful. We realize that in the interest of space, we had to be selective in the topics we covered. If you have further questions, please send in the attached card, give us a call, or send an e-mail. We can help you plan for your financial present *and* future, and help you understand:

- How estate planning can reduce your taxes.
- How charitable trusts conserve assets.
- How a living will benefits you.

Some of the information used in this publication has been adapted from Crescendo, World Wide Charities, Comdel, Inc.

The bottom line

What you can expect from us.

The Florida Conference Estate Services Department offers expertise in a number of areas. In addition to certified representatives, we have an attorney on staff who administers estates. We can also direct you to other legal personnel for assistance. Let us know how we can help you.

There are no fees for our services.

What we expect from you.

Let's be honest. You *must* be thinking...there's no free lunch. What's the catch? Where's the fine print? Is this for real?

Well, it is.

We know that offering our ser-

vices to you freely has the potential of making us all better stewards of our resources. We have also discovered that, although not a requirement, many have a desire to dedicate a portion of their estate to their church or charity of choice.

So, all we ask of you is to consider your resources, pray for guidance, and share as the Lord convicts. It is our privilege to serve you as you boldly go where He leads. Whatever you choose, we will respect your convictions and serve you to the best of our abilities.

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