

## IMPORTANT PLAYERS FOR YOUR LEGAL DOCUMENTS

By the time you arrive at Plymouth Village, or shortly thereafter, you should have a variety of legal documents readily available. For better or worse, we ALL must plan for incapacity and eventually for death. It is important to make **good choices as you name your key players**. Every senior citizen should have a minimum of 3 legal documents as follows: a power of attorney for finances, a will, and an Advance Health Care Directive. Many seniors choose to have a living trust which is the best probate avoidance technique in California.

An Advance Health Care Directive allows you to **name an agent** to make healthcare decisions for you if you are unable to do so. A health care directive also allows you to **provide direction** to your agent. As we age our medical issues can become increasingly complicated. It is important to name agents who can do a good job. Often it makes sense to name as your agent(s) someone who goes to the doctor's appointments with you. They should also be able to understand and process potentially complicated medical issues that might occur. It is best if they are willing to abide by your wishes. In other words, if you want your life prolonged at all cost, they should understand that and be willing to make decisions accordingly. On the other hand, if your wish is to have them make a measured, careful decision weighing the benefits for you against the physical and financial cost, they must be willing to do that.

An executor, agent under the financial power of attorney, or (successor) trustee for a trust must be impeccably honest, have a good business head, and be ready, willing and able. The California probate code imposes a number of duties on a trustee, some of which are as follows:

16002. (a) The trustee has a duty to administer the trust **solely in the interest of the beneficiaries**. [While alive, the Plymouth Village resident is usually the only beneficiary.]

16004. (a) The trustee has a duty **not** to use or deal with trust property **for the trustee's own profit** or for any other purpose unconnected with the trust, nor to take part in any transaction in which the trustee has an interest adverse to the beneficiary.

It is essential that your executor, agent under the financial power of attorney, or (successor) trustee for a trust be able to manage your finances appropriately, keeping **your** best interests in mind. Your assets must be preserved to take care of you.

It is very important for you to have appropriate legal documents and to name the right people to be in charge of you and your things in the event you became incapacitated and upon your demise. It is crucial for you to make these decisions while you are thinking well and doing relatively well! Don't put it off!

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