



# **PART 1**

## **Important Legal Documents and Personal Information About Your Assets**

**This Part includes brief discussions of:**

- ♦ Legal documents everyone should have
- ♦ Important records and where to keep them
- ♦ Summary of assets
- ♦ What is your net worth?
- ♦ Change of address

### ***Templates related to Part 1:***

- Template 1a – Personal Information
- Template 1b – Documents and Objects Locator
- Template 1c – Summary of Assets
- Template 1d – Net Worth Calculator manual
- Template 1e – Net Worth (Excel Spreadsheet)
- Template 1f – Safe Deposit Bank Inventory
- Template 1g – Change of Address Checklist

## INTRODUCTION

In this first part, we discuss some of the basics that each of us should consider and act upon if we want to be Good-To-Go.

These tasks include having up-to-date legal documents as well as gathering and organizing personal information so that our families and our representatives will be able to intelligently work in our best interests both before and after death. We also list some legal pitfalls to avoid.

### LEGAL DOCUMENTS EVERYONE SHOULD HAVE

#### ● **Last Will and Testament or Will and Revocable Trust Agreement**

*Purpose.* These documents set forth how you want your property disposed of at your death and name the person or persons responsible for handling your post-death matters (“Personal Representative” and “Trustee”).

In some cases, a Will without a trust suffices. In more complex situations (for example, where there are minor beneficiaries, where you are concerned about the lack of financial acumen of some beneficiaries, where there is a potential for having to pay federal estate taxes, etc.), you may want both a Will and a Revocable Trust Agreement (also known as a Living Trust). Consult your professional advisor about what is best for you.

*Why Important.* If you do not have a valid Will and you die with assets titled solely in your name, the State of Florida in effect writes a Will for you and determines who gets those assets . . . . **[YIKES! What a Thought.]**

**Important Tip** – If the person preparing your will says “Let me ask you a few questions, and just leave it all to me” – we suggest you ask for clarification.

#### ● **Durable Power of Attorney**

*Purpose.* Appoints an agent to act on your behalf (sign checks, enter into contracts, etc.), even if you are incompetent or not otherwise able to act on your own behalf.

Why Important. Avoids the time, expense and other complexities involved in having to get a court-appointed guardian to handle your affairs if you should become incompetent.

Special Notes.

\*A Durable Power of Attorney is effective when signed. It is NOT effective after death.

\*The Durable Power of Attorney may contain health care provisions similar to those contained in the Designation of Health Care Surrogate discussed below, including the HIPAA authorizations. In the past, including these provisions in the Durable Power of Attorney had the advantage of making the health care appointment effective even before there was a determination of incompetency. Under Florida law, you can now make the Designation of Health Care Surrogate effective immediately, even before incompetency, and if you have taken advantage of this law change, you may not want to provide for health powers in the Durable Power of Attorney.

● **Designation of Health Care Surrogate**

Purpose. In effect a health care Power of Attorney. Appoints an agent:

(1) to have access to your health care information – this includes acting as your “personal representative” under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), and thereby allows the designee to receive and disclose your Personal Health Information (“PHI”).

and/or

(2) to make medical decisions for you.

When you sign your Designation of Health Care Surrogate, you may make your authorization (a) effective immediately or (b) effective only if you are incapable (for any reason) of making such decisions (technically, if your primary physician determines that you lack capacity to make health care decisions on your own behalf).

Please note that if you allow the designation to become effective immediately and you are competent to make a medical decision, your decision controls even if your designated surrogate disagrees.

*Why Important.* Makes it easier to act and helps to avoid controversy when dealing with a medical emergency. Also, allows you to more easily obtain the advice of a trusted person when you are faced with making a medical decision.

## ● Living Will

*Purpose.* Sets forth your desire not to be kept alive artificially if you are deemed to have a terminal illness, and otherwise sets forth your wishes for treatment in such cases.

*Why Important.* Without a Living Will, many doctors and medical institutions will keep you alive indefinitely. This may invite bickering among family members and could escalate to legal proceedings.

*Special Note.* Some people, after careful deliberation, may choose not to sign a Living Will because of moral or other personal beliefs.

## ● Do Not Resuscitate Order (optional; appropriate only for a limited number of people)

*Purpose.* A document signed by your physician that instructs emergency medical personnel that you do not want them to attempt CPR if your heart or breathing should stop.

*Why Important.* Absent such a document, emergency medical personnel are required to administer CPR. A Living Will does not override such a requirement.

*Special Notes.*

Obviously would be used only by some sick and elderly persons who would not likely benefit significantly from successful CPR.

For more information and a sample of the required Florida form, see Part 2.

## PITFALLS TO AVOID

### ● Improper Titling of Assets and Beneficiary Designations

▶ Pay close attention to how you title your assets (i.e., in your individual name, in the name of your trust, as joint tenants with right of survivorship, as a POD account, etc.) and how you handle insurance and other beneficiary designation forms.

▶ Work with your legal and financial advisors in this regard to make sure that the way you hold your assets and designate beneficiaries is consistent with your overall plan and the provisions of your Will and/or Trust.

### ● Failure to Review the Documents Periodically

▶ Personal Circumstances Change.

You may change your personal wishes; your financial situation may change significantly; people named as beneficiaries, personal representatives, or successor trustees may no longer be alive, may have health or other issues, or may have drifted away from you, etc. A review to consider these types of potential changes should be done at least once every year. This review can be done without involving your advisors unless you believe a change is necessary.

▶ Laws May Change.

Changes in the law may make your current plan outdated. Some recent examples:

1. *Changes in the Federal Estate Tax Rates and Concepts*. Beginning in 2010, the amount exempt from the federal estate tax upon death increased significantly and will continue to increase as this amount is now automatically adjusted for inflation annually. For 2022, the exempt amount is \$12.06 million per person. In addition, the concept of portability has been added so that for a married couple, the portion of the exemption that is not used in the estate of the first to die can be carried forward (if a proper election is timely made) and used if needed by the surviving spouse's estate. Thus, for a married couple, there is an effective combined exemption amount of \$24.12 million in 2022.

Before portability, the way assets were owned by a married couple was much more important for tax purposes and the portion of the exemption amount not used in the first estate could be lost forever in the absence of a “shelter” trust. Portability thus makes many two trust plans unnecessary and, in some cases, more expensive from an income tax standpoint than a simpler type of arrangement.

In all events, documents and plans created a few years ago when the exempt amount was \$2 million or much lower and there was no portability may no longer produce the results you desire.

2. *Changes in the Power of Attorney Statute.* The Florida Legislature amended the statute governing Powers of Attorney, including Durable Powers of Attorney, effective October 1, 2011. A previously executed Power of Attorney is still valid, but for most residents, there will be advantages in signing a new POA after that effective date. More recent changes to the Designation of Health Care statute may also impact whether the Durable Power of Attorney should contain provisions relating to medical decisions (see the next paragraph).
3. *Changes in the Designation of Health Care Surrogate Statute.* Effective October 1, 2015, the Florida Legislature revised the rules relating to health care surrogates. You are now permitted to allow your designated agent to have access to your medical records and otherwise assist you in dealing with your medical problems even while you are still competent to make your medical related decisions. Previously, your designation could become effective only after you were deemed incompetent. See the discussion on page 3 above and in Part 2 below.
4. *Adoption of Florida Version of the Uniform Fiduciary Access to Digital Assets Act.* Effective July 1, 2016, the Florida Legislature addressed user rights relating to many of their digital assets. This action should cause residents to consider their will and trust provisions relating to digital assets and may necessitate updating those documents in light of the new act’s provisions. For further discussion of digital assets, see Part 5.

## **DISCLAIMER**

**The foregoing material is not intended to be legal advice, but rather is a discussion of certain standard legal documents and certain new developments that may impact those documents. The material is included here with the hope that each resident will consult with his or her estate planning attorney and determine, with the assistance of that advisor, what steps, if any, should be taken with respect to the resident's estate plan in light of the recent developments.**

## **IMPORTANT PERSONAL INFORMATION**

In addition to making sure that you have a good estate plan from a legal standpoint, it is important that you also deal with the personal side of matters.

Accordingly, we have included with this package various templates that you can use to organize personal information that will assist you, your family and your designated representatives both before and after death.

It is not necessary to follow each form slavishly, and you are encouraged to adapt them to your personal situation.

**THE KEY is for you to collect and organize the relevant personal information, using the templates as guides.**

### **If You Plan To Work With Paper Forms and Don't Use a Computer:**

It is quite likely that you will find the templates we share with you don't quite exactly fit your situation. They may have too many items in a given section, or too few, or they may cover material that you have already gathered and summarized on other documents, or don't cover areas that are unique to your situation.

What IS important is that you gather the information in a form that is appropriate for YOUR PLAN, and the 'Good-To-Go' team is dedicated to helping you get that done.

The information regarding Good-To-Go offers samples of small-scope to large-scope documentation. One size does not fit everyone's needs.

## How To Use Our Templates On Your Computer

Our files are available online to anyone, including your family, friends, and advisors, in the *user-friendly* website <https://infoh.us/good-to-go-documents>. The forms are fillable on your computer. Go to the Template of your choice. Click on that choice. This will take you to the form. Select the instructions “To Obtain a Fillable Form”. You can download the form, fill it in on your computer, then print and/or save the completed form on your computer.

As you work your way through this material, you will find several blank pages that provide you with a place to share your **Notes, Comments, Instructions, and Wishes**. Please use them, especially if there’s something in our material that you feel needs some clarification for your family or heirs.

### Template 1a – Personal Information

This template contains important information that your family or representative may find helpful if you become incapacitated or die. **It must be kept in a secure location, and your representative must know where it is located.**

### Template 1b – Documents Locator

This template contains information concerning where to find important documents that your survivors or surrogates most likely will need in handling your affairs. This should forestall their having to find the proverbial “needle in the haystack.”

### Template 1c – Assets Summary

This template contains a list of various assets you may own, how they are titled, and whom to contact when necessary.

### Template 1d & 1e - Net Worth Calculators

Template 1d contains a worksheet you may complete by hand to estimate your net worth. A Microsoft Excel spreadsheet is available as Template 1e, which will quickly and correctly perform all the necessary arithmetic.

### **Template 1f – Safe Deposit Box Inventory**

This template contains a list of items in your safe deposit box(es). You may wish to keep a copy there as well as with your other Good-To-Go documents.

### **Template 1g – Change of Address Checklist**

This template is simply a checklist to assist you in reviewing who should be notified of any change of address.

## **“WHERE’S MY STUFF”?**

### **A guide to locating Documents and Objects.**

#### **Template 1b**

Important documents will need to be located when incapacitation or death occurs. Not only do certain documents need to be found, but also certain objects (e. g., keys to safety deposit box, car keys, etc.). Some of these items may need to be accessed almost immediately.

*Template 1b – Object and Document Locator was designed to provide a quick ‘checklist’ for survivors to locate the material needed to answer the many questions that arise in these difficult situations.*

**YOUR COMPANION AND/OR OTHER FAMILY MEMBER,  
REPRESENTATIVE, OR TRUSTED BUDDY  
MUST KNOW THE LOCATION OF THIS CHECKLIST.**

#### **HOW TO USE THE TEMPLATE**

The categories of documents are divided into five Groups – Objects, Documents, Insurance, Benefits, Finances, and Personal History.

We have provided places for a dozen different locations. If your documents are in more than 12 “safe & special” places, you might consider coordinating your stuff.



## IMPORTANT RECORDS AND DOCUMENTS

### ● Location of Record of Assets and Documents.

Need. The incapacity or death of a person who does not have a surviving spouse, or who has been historically responsible for the family finances, including investments, and keeping the family records creates problems for the survivor(s) in addition to those normal ones associated with death – **what and where are the assets and records?**

*It is extremely important that this information on assets and important documents and records be organized and recorded in writing (and periodically updated) before incapacity or death.*

Communication. In the ideal world, all this information would be discussed in depth with your spouse and/or other family members well in advance of incapacity or death. However, if you find that, for whatever reason, you have not had '**The Conversation**', the spouse or other family member needs to be told where to find the information you have compiled.

Content of Information Document. This summary of assets, documents and location would contain at least the following information:

- Bank accounts, including name of bank, account number(s), how each account is titled, and name and telephone number of contact person.
- Insurance products, including Life, Accidental Death, Long-term Care, Annuities, Property, and Auto policy information.
- Brokerage and other investment accounts, including name of institution, account number, how each account is titled, and name and telephone number of contact person.
- Retirement accounts, including name of Plan, plan sponsor, name of institution holding the assets, account number, how the account is titled, and name and telephone number of contact person.

- Stocks and other securities held personally and not in an account, including name and number of shares and where certificates are held.
- Partnership and LLCs interests held, including name of entity, your interest therein, and name and telephone number of contact person.
- Real estate holdings, including address and in whose name the property is titled. Include recording information (where found in public records) if available.
- Automobile(s) and other titled vehicles (boats, airplanes, etc.), including in whose name the vehicle is titled and where the title certificate is located.
- Continuing Care Contract (or other arrangement) with Oak Hammock, including where the document is located and the general nature of the estate's refund rights, if any.
- Safe Deposit Box(es), including name and address of bank, how box is titled (i.e., who has entry rights), and the location of the keys.
- Password-protected accounts and web sites.
- Monthly obligations automatically paid, including name of account and how charged to you.
- Web sites with automatic renewal fees, including name and internet address of the site, and length of renewal.
- Automatic deposits made to each of your accounts, including name of bank or other institution, name of payee and frequency of payment.
- Any other asset or important document not noted above if not found in safe deposit box, including name and location thereof.
- Mortgages, notes and other obligations (other than monthly bills), including description of obligation and location of evidence of indebtedness.

## IMPORTANT DOCUMENTS AND WHERE TO KEEP THEM

### ● At home (place in fire proof safe if you have one)

- ▶ Unsigned copy of Last Will and Testament Will (or photocopy of signed original Will), and executed copy of Revocable Trust Agreement (or photocopy thereof) -- for your reference from time to time. Unsigned Codicils and signed Amendments to the Revocable Trust Agreement (or photocopies thereof) would be included.
- ▶ Executed copies of Living Will, Designation of HealthCare Surrogate and Durable Power of Attorney. You do not want these in your Safe Deposit Box or other similar place because you may need to make use of them when the bank is closed.
- ▶ Current Passports – in the event that an immediate international trip (including Canada and the nearby islands) is required or desired when the passport is unavailable because the bank where they are located is closed.
- ▶ If applicable to you, executed copies of any Irrevocable Life Insurance Trust (ILIT) and other trust instruments to which you are a party.
- ▶ Medicare and other insurance cards
- ▶ Executed copy of partnership, LLC and similar entity agreements.
- ▶ Continuing Care Retirement Center's Contract and related documents.

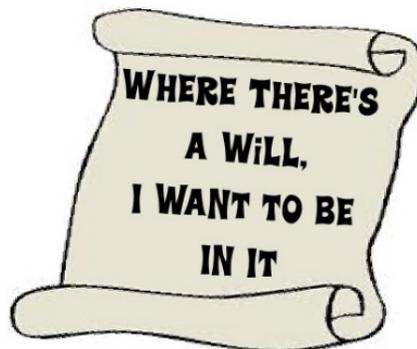
### ● In a Safe Deposit Box or other secure, fireproof location

***Important Note:*** You need to have another person or persons join with you in ownership of the safe deposit box so that they can obtain access without court order and other formalities after your death.

- ▶ Original signed Last Will and Testament
- ▶ Signed Copy of Revocable Trust Agreement and any amendments thereto (even though another signed copy may be retained at home

(see above) – not needed if a signed copy is retained by your attorney in a fire proof place at his/her office.

- ▶ Certificates of stocks and other securities not held in a brokerage account
- ▶ Title certificates to motor and other certificated vehicles
- ▶ Real estate deeds
- ▶ Promissory Notes payable to you
- ▶ Life insurance policies
- ▶ Original or certified copy of birth certificate
- ▶ Original or certified copy of marriage certificate
- ▶ Military discharge papers
- ▶ Social Security card
- ▶ Current passport and/or passport card





## WHAT IS YOUR NET WORTH?

The simple answer is that “net worth is what you own minus what you owe.” It is a financial snapshot of your monetary value.

Calculation of net worth is deceptively simple – you merely subtract the total dollar amount of all liabilities from the total value of all assets. Keep in mind that it can be somewhat misleading because the true market value of some assets, such as real estate or loan portfolios owned by banks, can be difficult to estimate. Also, there’s the temptation to equate fair market value and purchase price, not what they are worth today, which could be considerably more or less.

There are lots of different approaches to this valuable exercise. Some individuals exclude the fair market value of their primary residence, feeling that tends to inflate the net worth value. Others only include assets that are above a certain value. We suggest that you consider not listing personal property such as furnishings, jewelry, appliances, etc., unless they are antiques or have unusual real value.

A good rule to follow is to avoid the temptation to over-inflate the value of your assets – sometimes “less is better.” You do not want to show a higher amount than you would show on your estate tax return, if it were necessary to file one. We are aware that “one size does NOT fit all,” and hope this suggested system will allow you to design a variation that suits you.

Liquid net worth has been included because some people have found it helpful. It differs from net worth in that only your ‘liquid assets’ are used in the calculation. The Freddie Mac definition of liquid assets is typical. It defines them as: cash or cash equivalents; Treasury Bills; Money market investments or Certificates of Deposit with maturities of one year or less; and marketable securities, such as stocks and bonds. It sometimes appears in a financial plan as “Our Emergency Fund” or “Freedom Money.” Proponents of this number claim it helps you see if “too much” of your

worth is tied up in non-liquid assets, which might cause you not to have much flexibility with your financial situation.

## **Template 1c – Assets Summary**

This template is designed simply to assist you in gathering information about your assets so that (1) you and your agents will know what kinds of assets you have and where they are located and (2) you can use these figures in calculating your net worth.

### **How to use the Good-To-Go Net Worth Calculator(s)**

### **USE Templates 1d & 1e**

The GTG Calculator was not designed for our financial wizards or to replace the sophisticated spreadsheets available from your estate planner, but for residents who are curious about their approximate financial status, but found the calculations tedious or daunting. It is probably best described as a “lightweight” spreadsheet. Please don’t let the word “spreadsheet” scare you off. It can be fun and very enlightening.

We believe it might also be a useful tool to have available for your family members when you all settle down for “The Conversation” about getting “good-to-go.” OR, it might be a way to get some of the Baby Boomers in your clan to start their own personal financial planning.

There are actually two “calculators” in this package. The calculator in Template 1d does not do the calculations for you. It is not a true calculator, since you will be doing the adding and dividing. It is simply a suggested form into which you add the numbers, then you must sum up the rows and columns by hand.

The true calculator was created as an Excel spreadsheet, since Excel spreadsheets work equally well with both of the major operating systems – Mac and Windows. There are many others that you might favor, e.g., Apple Numbers, Google Sheets, Open Office Calc, Smartsheet. The Excel

version is located in Template 1e but can be opened, read, and used by these alternative software applications.

In our lightweight spreadsheet, we use only three operations – addition, subtraction, and division. If you are modifying our electronic Excel version, you need to remember that the data will be in cells. Each cell has a location name, based on the column (A, B, C etc.) and the row (1, 2, 3, 4 etc.) where it is located. For example, the formula to add values in 2 cells would appear like this: =SUM(A2:B2).

You can make changes in any of the items in Column A without changing any of the formulas that calculate the results. If you add more items in Column A, it will be necessary to change the formulas slightly.

There are plenty of tutorials online if you wish to learn more about using spreadsheets. However, you may prefer to solicit assistance from a relative, friend, or neighbor.

The cells were designed to handle 9 digit numbers, but you can widen the columns if you will be entering 10 or 12 digit numbers. We suggest that you use only whole numbers (to the left of the decimal point). If your entries include many 12 or greater digits numbers (e.g., \$267,000,000,000) consider hiring someone else to do it for you – you can afford that.

The asset categories that appear are meant as suggestions – “*One size does not fit all.*” Feel free to edit the cells that contain text, and add items that are pertinent to your situation in vacant cells. BUT - If you add rows of cells or add columns, you will alter the results unless you alter the formulas. If you are not an experienced spreadsheet user, you may wish to request assistance from someone who is.

## CHANGE OF ADDRESS CHECKLIST

### Template 1f

As your required level of care moves from Independent Living to Assisted Living and/or Skilled Nursing, changes in your telephone number and address need to be shared with several agencies and individuals. Depending on whether the move is temporary or permanent, here are a few contacts that may be necessary:

- Post Office
- Motor Vehicle Office
- Bank and other financial institutions
- Credit card companies
- Cable, phone, and internet providers
- Medical professionals you see regularly
- Insurance companies
- Your alma mater
- Circulation departments of magazines, newspapers, and catalogues
- Friends & family

The official US Postal Service change-of-address form is available at <https://moversguide.usps.com/>. It is an online process that requires verification of your identity with your personal debit or credit card. The instructions state:

***“The person who prepares this form states that he or she is the person, executor, guardian, authorized officer, or agent of the person for whom mail would be forwarded under this order.”***

### ***Florida Driver’s License Address Change***

Florida law requires that you update your address information on your driver’s license within ten days of moving. How to do so online or by mail is included on the website <http://www.dmvflorida.org/renew.shtml>.