

## **SPECIAL WISHES**

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Sample forms are included at the end of this manual.

An electronic edition of Special Wishes will be published later in 2016, via the  
Town of Westhampton's web site. Please look there for updates.

# SPECIAL WISHES - What and Why?

**The purpose** of this manual is to help you put your worldly affairs in order, for you and for your loved ones.

If you haven't had a good chance to prepare a will or other important documents, we hope that these materials will encourage you to create your own SPECIAL WISHES for your remaining years (and even beyond).

Your manual contains information pages and several plastic sleeves to hold your most important documents. Please use them as suits you best.

*The enclosed information is in no way intended as legal, medical, or financial advice. It is intended only to help you understand some of the options you may want to consider in putting your personal affairs in order. Please consult the appropriate professionals before preparing or signing any document.*

**Westhampton's Triad Council has prepared this information manual. We're pleased to be able to provide it free to our friends and neighbors who have reached their 50th birthday.**

Special thanks to attorneys Peter Connor, Esq. and Mike Horn, Esq. for reviewing the first edition text and for their important corrections and suggestions.

***Special Wishes* is a project of Westhampton's Triad Council.**

Chuck Horn and David Majercik are the primary authors, and every member helped.

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**January, 2016**

# SPECIAL WISHES OWNERS' PAGE

of \_\_\_\_\_

and (spouse) \_\_\_\_\_

Date first prepared \_\_\_\_\_

Please be sure to write the date when you first prepare your special wishes, even if it's not complete. If you later make changes, write the new date in the spaces below. That way, any person you've asked to help look after your affairs will know your latest intentions.

Updated on \_\_\_\_\_

Updated on \_\_\_\_\_

Updated on \_\_\_\_\_

Updated on \_\_\_\_\_

Updated on \_\_\_\_\_

This SPECIAL WISHES manual can be done jointly by you and your spouse. If you each prefer to do your own, please contact our Triad Council and we'll see that you get another one. You'll find the phone number in the Triad column in the Bell Tower.

# INTRODUCTION

**Are you among** the nearly 70 percent of Americans who have not yet put their personal affairs in order? No written will. No clear idea of your financial worth. No medical directives. No one asked to make health care decisions for you when you can't. If you're in that majority, do you know that when you die, the state will decide who'll get your worldly possessions? The state may also decide how your doctors will take care of you in your last hours, no matter what *you* might want done.

**These pages are designed to help *you* put *your* personal affairs in order. Doing this may not be easy, but it sure is important. Westhampton's Triad Council has prepared the information in this manual to make it easier for you. Some things will be familiar to you while other things may be new. To make things easier, we've used plain language in a question and answer format.**

## HOW TO USE YOUR SPECIAL WISHES MANUAL

1. You can read and work with the sections in any order. If you need forms to fill out, feel free to call a member of our Triad Council. You'll find a number in Triad's column in the Bell Tower, published monthly by the Westhampton Congregational United Church of Christ. Most forms are also available online from the appropriate agencies.
2. Dealing with all the items in this guide may at first seem overwhelming. If so, why not ask a trusted relative or friend to help you. He or she will be pleased with your trust and confidence. But whether you decide tackle it alone or ask someone to help you, the important thing is to get started.
3. Write your name and date on the SPECIAL WISHES page. Write in a new date whenever you make major changes. Be sure to keep the binder where you and at least one other trusted person can find it.
4. You may make copies of any or all of the pages in this manual for your personal use.
5. Most words in the Glossary are italicized the first time they appear in the manual.
6. We have left space at the bottom of most pages in case you'd like to write notes

# YOUR WILL

**The end of life is something most of us don't want to dwell on. However, thinking about how our death might affect our loved ones is very important. Making sure we've done all we can to make their lives easier after we're gone will give us peace of mind right now. That's why it makes plain, good sense to write a will, and to do it right away.**

## **Why do I need a will?**

A will is the only way for you to control the way your money, property, and personal effects will be distributed after you die.

## **What if I die without making a will?**

The state may write it for you. The court will step in and distribute your possessions according to state law. If you leave no heirs, it is legal for the state to sell everything you own and keep the money.

## **Aren't wills just for wealthy people?**

NO! How much you own makes no difference. By having a will, you can make sure that your assets, great or small, are given to your family members or to other beneficiaries of your own choosing.

## **Will I need a lawyer?**

Technically, you don't. However, if your will is not properly written, it is not legally valid and cannot be enforced. Ask a lawyer to help you. You'll sleep better knowing that it's done right.

## **Will it cost me a lot?**

The kind of will that leaves everything to your spouse or to your spouse and children could cost between \$200 and \$300. An attorney will be glad to give you a price range.

## **Are there things I should be thinking about in advance?**

There sure are! You'll need to decide who will carry out your wishes. This person is called your *executor*. You'll want to make a reasonable estimate of your *personal worth*. We've included forms to make this easier for you. Finally, you'll have to decide who gets what - that 'who' may also be a charity or other organization.

# YOUR WILL (continued)

## **What if I want to leave everything to my spouse?**

This is a common practice. However, be sure to name alternate beneficiaries in case your spouse dies before you do.

## **Should my spouse have a will?**

Yes. Although it will likely read pretty much the same as yours, it may not. Your attorney will be very helpful with this.

## **What are the basic parts of a will?**

- Your name and place of residence
- Name of your executor - the person you want to manage your estate.
- Legal granting of powers to your executor.
- A summary of your *assets* and *liabilities*; see pages 13 - 15.
- Names of the people or organizations to whom you will leave money or certain items like your car, gold watch, or sentimental items.
- Alternate beneficiaries, in case a beneficiary dies before you.
- Forgiving of debts that people owe you.
- Your signature, and signatures of a notary public and witnesses who are not named as your beneficiaries.

## **What about money I owe?**

By law, your executor must pay your outstanding taxes and debts before distributing your assets.

## **Will my heirs have to pay taxes on what they inherit from my estate?**

Probably not, but if you're talking millions, you should consult with an estate-planning attorney to minimize the tax bite. Of course, most of us don't have to worry about such wealth.

## **Can I give away my possessions or money before I die?**

You sure can. Many people give away things they no longer need or want, especially if they're moving into smaller quarters. As of 2016, you can give up to \$14,000 each to as many people as you want, all tax free for you and them. HOWEVER, if one day you apply for *Medicaid* in Massachusetts to help pay for nursing home care, the assets you gave away within the previous five years may count against you. Laws change, so be sure to check the present laws regarding giving away your money.

# YOUR WILL (continued)

**I want to leave my grandchildren some money, but I want to specify that it goes to education, or that they receive it when they are adults. How do I do it?**

We encourage you to create – with an attorney’s assistance - a *trust* for these particular individuals.

**What if I have a special possession that I want a particular person to have after I die?**

You can mention it specifically in your will, or you can include it in a *side letter*. (See page 8.)

**Can I change my will once it’s written and signed?**

You can amend your will at any time. The amendment, usually one page, is called a *codicil* and is attached to your will. It must meet the same legal requirements as your will (i.e., have proper signatures, etc.). Your attorney can prepare it for you.

**Where should I keep my will?**

Keep it in a safe place where it won’t be damaged. (You can always ask your attorney to keep the original.)

Your executor and perhaps another trusted person should know where your will is kept. If you use a safe deposit box, be sure another person has a key.

**How does an executor normally handle things?**

Unless your will or side letter instructs otherwise, you executor will distribute the contents of your estate as you’ve specified. Should there be disagreements among your heirs, your executor may decide to sell your possessions. After the sale, your executor will first pay any remaining taxes and debts and then divide the remainder among all of your heirs.

**Does a *Living Will* have anything to do with my will?**

A Living Will is completely different from your will. Please see *Health Care Proxy* (page 9) for more information about living wills.

**One last reminder:** Please remember that Special Wishes is more guide than bible. That is why it is worth your time and money to consult an estate planning attorney on these matters.

# SIDE LETTER

**Your will can help your heirs be richer; your side letter can help them be happier.**

## **What is a *side letter*?**

A side letter is a way for you to give something special to a particular beneficiary. Your will *must* refer to your side letter and request that your executor honor your wishes. All you have to do is write down something like “I want (name) to have my (special item) after I die.” You can make a list and name a recipient for each item. **Be sure to sign and date your side letter and keep it with your will** so your executor will know what you want done.

Even though your side letter is not legally enforceable, your executor will likely honor your wishes, especially if you talk about it with him or her beforehand. Should you have a change of heart, you can always re-write, date, and sign a new side letter.

## **Should I talk with the people who might receive an item via my will or side letter?**

It’s nice to do that. Maybe he or she will prefer that someone else, or perhaps a *charity*, get the item. Then again, you can always save it as a secret surprise. In any case, you should be careful about making promises because you might change your mind.

You may also ask your heirs to tell you what they’d like after you’re gone. You can use your side letter and even stick a note on the back of the item with the recipient’s name. Be sure to tell your executor about this.

## **Do my other heirs need to know about my side letter?**

You don’t have to tell them. They’ll find out anyway.

## **Can’t I just put these things in my will?**

Yes, it’s often done that way. In fact, it’s a more secure way because your will is a legal document. But, if you think of these things *after* your will is written, your side letter saves having to prepare a *codicil*. Again, your will must refer to your side letter(s) and request your executor to follow your instructions.

Also, you might change your mind, or your beneficiary might not want that item any longer, or your beneficiary might die before you do. In this case, you can just tear up the side letter and write a new one - no lawyer involved.



# DURABLE POWER OF ATTORNEY

## **THIS IS AN EXTREMELY IMPORTANT AND VERY POWERFUL DOCUMENT.**

When you grant someone “durable power of attorney,” you give him or her the power to make financial and personal decisions on your behalf – with or without your permission. This is why it is so important to give this power only to someone you trust *completely*.

- You may appoint any responsible adult to hold your durable power of attorney.
- The durable power begins once you sign the appropriate document, continuing until you die.
- You may appoint a different person or change your power at any time.

## **If I can make decisions for myself, why would I give this power to someone else?**

While we might not want to admit it, as we get older our abilities diminish. At some point, you might want a caring, honest, and trusted person to officially – and legally – look after your interests.

## **Just what can this person do with my money?**

This person can pay your bills, sell your home, buy a car, invest your money, cash in your stocks and bonds, etc. Unless you make exceptions, this person can do anything for you that you can normally do yourself. Again, appoint someone you can *really* trust.

## **Does this durable general power of attorney extend to non-financial matters?**

Absolutely. This individual can choose your nursing home or your hospital. He or she can manage your legal affairs, hire or fire your employees (or your attorney), etc.

## **This person can only do these things if it's okay with me, right?**

Wrong. Unless your power of attorney contains written restrictions, the holder of your durable power of attorney can make these decisions as he/she sees fit and is not obliged to talk with you or to get your permission. You will want to appoint someone you can absolutely, positively trust to take care of *your* interests, not his or her own. We can't emphasize this point enough.

## **Should I ask an attorney familiar with estate planning to help me write this document?**

**Definitely.** Most attorneys can do this for you, but one who is experienced in estate planning will make sure it fits with your overall planning. You and the (trustworthy) holder of your durable power of attorney both need to fully understand the document. An estate-planning attorney can explain it in plain English. The document will have to be witnessed and notarized in order to be legal.

# HEALTH CARE PROXY

## **What sorts of things might my health care proxy do?**

Your proxy makes health care decisions for you when you are unable to make them for yourself. He or she cannot act for you until your doctor determines that you lack the ability to make health care decisions for yourself. Situations include unconsciousness, coma, stroke, life-threatening disease, etc. Decisions to be made might include whether or not to resuscitate, maintain life support, treat serious infection, or any other medical action that your doctor determines that you are unable to decide for yourself.

## **Who can be my health care proxy?**

It's a person who is 18 years or older who you know well and who you can trust to make health care decisions for you if you become unable to communicate your wishes. (This person is sometimes called your health care agent.) It's a good idea to choose an alternate person in case your primary proxy is unavailable. This person cannot be your doctor.

## **What form do I need in order to appoint a health care proxy?**

We've included a sample form in the Appendix. You can also obtain a health care proxy form from your doctor, your attorney, or even from the Internet.

## **Is the form hard to fill out?**

The form is easy to fill out. Just follow the instructions on the form and then make sure your proxy and your alternate are aware that you are naming them as your proxy. You will need to have two people witness your signing of the form. It does not have to be notarized or have a physician's signature.

## **I really don't like to talk about these things.**

None of us do. However, it is very important that you talk with your health care proxy about how you want things handled. By doing this you won't leave them or your loved ones guessing about your wishes. If your proxy is uncomfortable with doing this, please ask someone else.

## **Who should have my original health care proxy document?**

Keep the completed original in a secure location where it can easily be found. Give copies to your doctor, attorney, health care proxy, and alternate proxy. It's a good idea to let other people close to you know whom you have chosen for your proxy and alternate proxy.

**Can a living will replace my health care proxy?** No. A living will is NOT a binding legal document in Massachusetts. Emergency medical personnel (EMT's) and physicians may not use a living will in making life-saving decisions. These professionals must follow their own required rules and protocols, many of which are prescribed by law. Even though it's not binding, your living will will likely have a checklist that can help you talk about your health care wishes with your proxy.

# MOLST

**Massachusetts Medical Orders for Life Sustaining Treatment**

**Replaces Comfort Care / Do Not Resuscitate (CC / DNR) orders.**

## **What do Comfort Care and Do Not Resuscitate mean? Are they still valid?**

These documents help a person tell their doctor and loved ones how they'd like to be treated when death is imminent. Do Not Resuscitate refers more specifically to a person's wish that no extraordinary measures be taken to keep them alive. Without these documents, medical personal may be required by law to do everything possible to keep the patient alive.

## **Are CC/DNR orders still valid?**

Yes, if you now have valid forms. However, Massachusetts is transitioning to the new, more inclusive MOLST form. EMT personnel may honor either document. MOLST helps you and your physicians be more completely informed about your wishes, especially at a time when you cannot communicate them.

## **Then why not just keep the CC/DNR; why switch to MOLST?**

The CC/DNR forms are no longer available online. MOLST covers all CC/DNR issues and more in a clear, concise, 2-sided page. Issues addressed: cardiopulmonary resuscitation (CPR), transfer to the hospital, ventilating life support, dialysis, and artificial feeding/hydrating. MOLST requires patient and health care professional signatures and date. Find more information via <http://www.mass.gov/eohhs/gov/departments/dph/programs/hcq/oems/comfort-care/>

## **How will the EMT's know where to find my MOLST instructions?**

If you are at home, the EMT's should see your MOLST form and your *File Of Life* on the fridge. Part of EMT training is to look for these during medical emergencies. File of Life is described on the next page.

# FILE of LIFE

Your contact information, physicians, medications

A FILE of LIFE can save your life.

## **What is a FILE of LIFE and where can I get it?**

**FILE of LIFE** is a red plastic pocket-size sleeve that contains a medical ID card that you fill out on your own. It contains your contact information, birthdate, physician's phone number, up-to-date medications list, and your emergency contact person. It is available through physicians' offices, Westhampton's Council on Aging, Westhampton Triad Council, and often through libraries. For security, you will not include your Social Security number.

The File of Life sleeve is magnetized so you can keep it on your fridge. It'll be handy for you, and in an emergency, EMT personnel will look for it there.

## **Not another form to fill out? Don't they have all that data?**

You and your medical professionals need your FILE of LIFE's up-to-date medical information – and they need it pronto in emergencies. It's also helpful to bring it along when you visit your physicians, nurses, labs, etc. so it'll be easy to record updated information. We suggest that each family member fill one out for the above reasons AND for applications for camps, schools, or classes. Because they do contain personal information, we advise using them only for *your* personal reference. Be sure to keep them up-to-date.

## **Why is a medications list important?**

Something as common as an aspirin, if taken with certain other medicines, can be harmful or even fatal. The list will help the attending emergency room physician determine just which medications you can take. Be sure to include dosages and how often you take each medication. It's also important to include the name, phone, and office address of your prescribing physicians.

## **Where should I keep copies of my FILE of LIFE?**

Three places: (1) in this binder, (2) on your fridge, and (3) in your wallet.

## **Why carry a File of Life in my wallet? Isn't that going too far?**

In the emergency room, precious time will be lost while the attendants try to reach your doctor or your pharmacy. Also, during an emergency, your FILE of LIFE might be left behind on the fridge.

But wait! There's more. Every time you go for anything medical and they ask for your meds, just give them your card - no muss no fuss. At the same time, they can update your information.

# FINANCIAL RECORDS - Why? How? Where?

## **Why do I need to collect so much information about my financial affairs?**

Because by doing this you'll have a pretty good idea of your total wealth. This may make a difference in how you write your will. Having your financial information all in one place will be a great help if you ever want to apply for Medicaid. It will definitely make life easier for your executor.

## **What kinds of financial information should I write down?**

Please see the next three pages (14 - 16) for your PERSONAL FINANCIAL STATEMENT.

## **What other records should I keep?**

Easy to fill out forms called MY FAMILY and FRIENDS (page 17) and OTHER NAMES and ORGANIZATIONS (page 18) can help you get this information together.

## **Should I keep *everything* in one place?**

We've provided plastic sleeves so you can keep some documents in this binder. You can place sensitive documents in a safe deposit box or other secure place. (See next paragraph). You might also want to have larger containers for more bulky items. You can write the whereabouts of your various documents on the WHERE I KEEP THINGS (page 19) or by each of your IMPORTANT DOCUMENTS (page 20).

## **How can I protect my important information?**

Safe deposit boxes are available at banks. You can also buy a fire-resistant box to keep in your home, but be sure that someone you trust has the second key. You might ask this person (who may be the holder of your Power of Attorney or your executor) or another *very* trustworthy person to keep your important documents.

*NOTE: The court might seal your safe deposit box when you die. This means that no one can see what you've got there without court approval, and this could take a lot of time. Be sure that you give someone (perhaps your executor) the authority to open it. Ask your bank about their safe deposit access rules.*

## **This record keeping seems to be a lot of work. Who can I ask to help?**

It does take time, but it's worth every minute. Why not ask a trustworthy person to help you with it. When you're done, you'll rest easy knowing that your financial and personal information is up-to-date and safely in one place.

# PERSONAL FINANCIAL STATEMENT

## What I Own

Feel free to copy this form.

### CASH ACCOUNTS

#### Savings account

Financial institution

Account number

Balance and date

#### Certificate of Deposit

Financial institution

Account number

Balance and date

#### Checking account

Financial institution

Account number

Balance and date

#### Other cash account(s)

Financial institution

Account number

Balance and date

Non-monetary property. List and give a fair market value to such things as your home(s), other real estate, motor vehicles, furniture, works of art, jewelry, and whatever else you feel has a monetary value.

# PERSONAL FINANCIAL STATEMENT

## What I Own (cont.)

Feel free to copy this form.

### INVESTMENT and RETIREMENT ACCOUNTS

The below is a very simplified form, but what's important is that you have your basic financial information all in one place. Except for your IRA's, you can simply write the total you have invested. This way, your executor won't have to burrow into the dark recesses of your drawers and closets to figure things out.

IRA (owned by \_\_\_\_\_)

Financial institution

Account number

Balance and date

IRA (owned by \_\_\_\_\_)

Financial institution

Account number

Balance and date

### Other Investments

Investment firm

Broker's name

Balance and date

Before going on, write below the location where you keep these documents.

- Savings Passbook or the latest statement if a statement account
- Certificate(s) of Deposit
- Checkbook
- Other cash account records
- IRA's
- Investment information

# MY FAMILY and MY FRIENDS

Feel free to copy this form.

These are the people your family will contact when you die. Try not to miss any.

Name  
Address  
Phone

Name  
Address  
Phone

Name  
Address  
Phone

Name  
Address  
Phone

Name  
Address  
Phone

Name  
Address  
Phone

Name  
Address  
Phone

Name  
Address  
Phone

Name  
Address  
Phone



# OTHER NAMES and ORGANIZATIONS

Feel free to copy this form.

Wherever you can, include phone numbers or other contact information. Your family and executor will find this information very useful.

Primary care physician

Attorney

Place of worship

Phone company

Internet server (Comcast, Yahoo, or other)

TV cable or satellite company

Computer cable company

Magazine and newspaper subscriptions

CD or DVD subscriptions

Other services or subscriptions to be cancelled

My preferred funeral arrangements, including funeral home, place and type of service, disposition of my body, headstone, prepaid funeral arrangements, etc.

# WHERE I KEEP THINGS

This information will be very helpful to someone looking after your affairs. If you don't know where everything is, please write down all that you do know. Of course, keeping most things in this binder makes good sense.

Be sure to make a list of all the things in your safe deposit box. Include it with this list.

Will

Side letter

List of medications and of your pharmacy or pharmacies

MOLST or Comfort Care/DNR (Do Not Resuscitate) form and the location of your bracelet if you're not wearing it.

Durable Power of Attorney

Medical Proxy

Credit cards

Tax returns

Life insurance policy(ies)

Homeowner's insurance policy

Auto insurance policy

Medical insurance policy

Birth Certificate

Death Certificates – Hey, not yet! Okay, you're still with us and that's a good thing. But eventually your executor will want to ask the funeral director for *at least 20 official copies* for things like closing accounts, collecting life insurance, and settling numerous other legal matters. (Xerox copies are not always acceptable.) This is another reminder to put your executor wise to this need, because it's *very* important.

Write below any other documents you feel are important.

# IMPORTANT DOCUMENTS

## MEDICAL INSURANCE POLICY

No matter what type of medical insurance you have, it's a good idea to keep your policy handy for the people who might need it to help in an emergency.

### **Some of my policies won't fit in this binder. Where can I keep them?**

You can keep them in any safe place, but please list its location on the form in the FINANCIAL RECORDS section (pg. 13).

### **Should I put my medical insurance card in this binder?**

No. That should always be with you in your wallet or pocketbook. But, it's not a bad idea to keep a photocopy of each side in this binder.

## BIRTH CERTIFICATE

For one reason or another you or someone else might one day need an official copy of your birth certificate. Most of the time, a birth certificate can only be obtained *in person* at the clerk's office in the city or town where you were born. So why not keep an official copy – with the embossed seal - of your birth certificate right here in this binder.

## DEATH CERTIFICATE

### **When I'm gone, I'm gone, so why do I need to worry about death certificates?**

On your death, your executor will probably need many copies of your death certificate for things like closing your bank accounts, collecting life insurance, paying your final expenses, closing out your estate, and handling an amazing number of other matters which require a death certificate. He or she will want to order as many certified copies as the funeral director will give. Ask your executor to order at least twenty copies from the funeral director. It can be a hassle to get them later, not to mention the extra costs.

Congratulations! You did it. You've done a fantastic job of putting your personal affairs in order. And it really wasn't all that hard, was it? Of course, there may be a few loose ends to tie up, as there usually are with a project of this size. If so, you might want to ask someone to help you finish it. After all, isn't that what family, friends, and professionals are for?

# FURTHER SOURCES of INFORMATION \*

Medicare/Medicaid Information and Issues – your local SHINE programs

SHINE means Serving the Health Information Needs of Everyone.

Further information and free local SHINE counselors via [www.mass.gov](http://www.mass.gov) - Search “SHINE” for info.

Call Easthampton COA, (413) 527-6151 or (800) 243-4636.

## Estate Planning Attorneys

Try [www.lawyers.com](http://www.lawyers.com). Click on the state and the kind of lawyer. You’ll find names and contact information.

## Health Care Proxy

Search “Mass Med Health Care Proxy” via Google or other search engine, or more directly via [www.massmed.org](http://www.massmed.org), then search “Health Care Proxy”.

## Powers of Attorney

Search “Durable Power of Attorney Massachusetts” via Google or other. We found that the best info sources began with the fourth or fifth choice. Others were for forms, etc.

**\*You don’t have computer access? Call our library; they can help you use theirs.**

**\*If you discover a web site or other source you think others will find useful, please let Chuck Horn, David Majercik, or another Westhampton Triad member know about it. We’ll share the news.**

# SPECIAL WISHES GLOSSARY

**Assets.** The fair market value of everything you own: Cash, stocks and bonds, real estate, jewelry, antiques, art, etc.

**Beneficiary.** A person or organization you name in your will to receive some or all of your estate, after debts and taxes are paid.

**Charity.** A nonprofit organization that receives money or gifts to benefit people in need. If organized under Section 501(c) (3) of the Internal Revenue Code. These contributions may be tax deductible.

**Codicil.** An addition to your will that explains, changes, adds to, or revokes some or all parts of your will.

**Durable Power of Attorney.** A document that broadly empowers a person to act fully on your behalf in financial, property, and almost all other decisions. This power continues until you die, or legally change the document. Read the full description on page 8.

**Estate attorney.** A lawyer specially trained or experienced in writing wills, powers of attorney, and other estate planning documents.

**Executor.** The person you have named in your will to carry out the terms of your will. This person is often called *Special Representative*.

**File of Life.** A concise document that lists your medications, doctors, pharmacy, emergency contact person, and other hugely important information should you be in a life-threatening situation where you are unable to communicate clearly.

**Health Care Proxy.** A person you appoint (and an alternate) who will make health care decisions for you if you are unable to make these decisions yourself. The proxy document requires signatures from yourself, your primary and secondary health care agents, and two witnesses (who may not be yourself or the agents). You can get one from your physician or print one via [www.mass.gov](http://www.mass.gov) and searching for Health Care Proxy Form.

**Heir.** (pronounced “air”) A person who is legally entitled to some or all of your property when you die.

# SPECIAL WISHES GLOSSARY - continued

**Liabilities.** The value of everything you owe to other people or institutions.

**Living Will.** (not related to Wills). Living wills relate only to life-sustaining medical treatments. In Massachusetts they have been replaced by the clearer, more complete MOLST form.

**Medicaid.** A government funded medical program designed to help those who are poor.

**Medicare.** A government-funded medical insurance program for qualified persons 65 years or older and for persons who are disabled.

**MOLST** (Massachusetts Medical Orders for Life-Sustaining Treatment). A legal form defining which life-sustaining treatments you want and which you do not want should you be unable to communicate because of a life-threatening injury or illness. Requires medical professional's consultation and signature and your or your Health Care Proxy's signature. MOLST is replacing the older Comfort Care/DNR.

**Personal Worth.** The value of your assets (cash and property) less your liabilities (what you owe to other people or institutions.)

**Residual estate.** It is the value of your remaining estate after specific gifts have been distributed. Your will stipulates what is to be done with the residual.

**Safe Deposit Box.** A rented box kept by a bank where you can store and safely keep valuables, such as cash, bonds, jewelry, etc. The box has two keys, one held by you, the other by the bank. You and a bank officer must open it at the same time each time you use it.

**Side Letter.** A signed and dated letter or similar document, which states that you want certain of your possessions to be given to specific persons or organizations.

**Special Representative.** Another name for *Executor*. See *Executor* in this Glossary.

**Trust.** (in estate planning this is often called *Revocable Living Trust*). A legal arrangement where your money, property, insurance proceeds, etc. are set aside for the benefit of yourself or others, and managed by a *trustee* (See below). When properly set up, a trust will provide considerable tax benefits.

## SPECIAL WISHES GLOSSARY – continued

**Trustee.** A person, persons, or organization like a bank that manages some of your financial affairs via a trust, to benefit yourself, another person(s) or organization(s).

**Will.** A legal document containing instructions for what is to be done with your money and property after you die.