



REAL ESTATE | PROBATE | ESTATE PLANNING

www.LLSmithLawFirm.com

New Office November 2019
419 Lexington Ave., Chapin

*Are your important legal
documents in order?*

Important Documents	Reasons	Requirements	What to do with it...
Will (“Last Will & Testament”)	Plan who will inherit your property and who will be in charge of your estate after you die. You need to understand what will happen if you die without a Will.	Competent. Need 2 witnesses & 1 notary, Uninterested!	Keep the original in a safe place!
Personal Property Memorandum (If allowed under your Will)	ONLY if your Will specifically allows it, you can leave a memo listing items of personal property and a beneficiary for each item.	Competent. Handwriting -Signature or what the Will says is required.	Keep the original with the original Will.
Durable Power of Attorney (DPOA)	Designate an agent who can sign your name and manage your property/assets for you (now and/or when/if you become incompetent or need help).	Competent. Need 2 witnesses & 1 notary Uninterested!	Original filed in the County Register of Deeds Office (public record)
Healthcare Power of Attorney (HCPOA)	Designate an agent who can make health care decisions for you if you are unable. (Includes directions re: organ donation & life-sustaining treatment.)	Competent. Need 2 witnesses & 1 notary Uninterested!	Keep original / give copies to primary doctor and hospital
“Living Will” (Declaration of Desire for Natural Death)	Provide directions for the use of nutrition/hydration if you have (1) a terminal condition that could result in death within a reasonably short time” or (2) a persistent vegetative state or permanent unconsciousness.	Competent. Need 2 witnesses & 1 notary	Keep original / give copies to primary doctor and hospital

DISCLAIMER: This document is not legal advice to a particular client and does not create an attorney-client relationship. Individualized advice from an attorney is recommended for estate planning and probate administration.



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Deed (Real Property including improvements) (a/k/a Title to Real Estate)	How Real Property is owned/titled is a big deal! Some options are: Individual, Joint (With Right of Survivorship or Tenants in Common), & ownership by a Company or Trust. There are legal implications for types of ownership and types of deeds.	Competent. Need 2 witnesses & 1 notary. Uninterested!	Original filed in the County Register of Deeds Office (public record). Review with a real estate attorney!
Title (Vehicle, Boat, Motor, MH)	Required for ownership & for taxes. Check for “And” vs. “Or” in joint ownership.	See back of title issued by Vendor, SCDMV & County websites for instructions.	Original held by lien holder. If no lien / keep original in safe place. Original can be replaced.
Beneficiary Designations on Life Insurance, IRAs, POD/TOD accounts, Annuities/Retirement Plans, etc.	For assets to pass outside of Probate (not according to your Will) – these designations control!	Depends. Check with Bank or Investment Co. to confirm properly designated.	On file with the entity / update beneficiaries & keep a copy in your files.
Trust Flexible tool where a Trustee owns and manages property for a Beneficiary.	Testamentary Trusts are part of the Will & take effect after death and may be contingent for children or for those with disabilities. Living Trusts take effect when created.	Competent. May need 2 witnesses & 1 notary.	Depends. See “Will” above. <u>Consult a tax or trust attorney, & financial planner/CPA for Living Trust advice & drafting.</u>

For additional resources, visit the South Carolina Department on Aging, <https://aging.sc.gov/> with a links to the “S.C. Senior Citizens’ Handbook”, programs, initiatives and service providers.

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