



The first segment of the Wealth Council Insights Education Series will include three articles on Foundational Estate Planning Documents:

- I. This article, Part 1, focuses on the Last Will and Testament.
- II. Part 2 will focus on the Revocable Trust.
- III. Part 3 will focus on Incapacity Documents.

The Last Will and Testament is commonly referred to as simply a Will. The Will, along with a Revocable Trust and Incapacity Documents, are characterized as Foundational Estate Planning Documents. Each of these foundational estate planning documents are revocable, meaning they can, and often should be, amended, revoked and/or restated during life. A well-thought-out, regularly reviewed foundation is key to any estate plan.

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A Will is a legal document that sets out specifics of how your final wishes are to be carried out upon your death with regard to your possessions, assets and dependents. Most Wills contain four primary sections:

PERSONAL REPRESENTATIVE

A Will should include provisions that designate the Personal Representative (also known as an Executor/Executrix) and Successors. This person or entity will be charged with the responsibility to follow the provisions outlined within your Will.



DISPOSITION OF TANGIBLE PERSONAL PROPERTY

A Will generally spells out your intentions with regard to your tangible personal property. Tangible personal property refers to items that can be touched, and generally includes clothing, jewelry, art, collections, furnishings and household goods. Often a Will establishes that tangible personal property is to pass according to a written document, a “memo.” If this is the case, it is important to ensure that a memo is drafted and provided to the attorney, as well as a select group of trusted advisors, to ensure that your tangible property passes according to your wishes



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You may also choose for your tangible personal property to pass to a designated person or group of people within your Will.

DISPOSITION OF REMAINING ASSETS

Remaining assets are commonly referred to as Residual Assets. You may designate specific assets or specified amounts of funds to pass to particular individuals or entities (including charity). These are commonly referred to as Specific Bequests. As a final measure, your Will must indicate the person(s) or entity(ies) to whom you wish the remainder of your assets to pass. Many Oxford families elect to create what is known as a “Pour-Over Will” which indicates that residual assets, or all property governed by the Will, simply be distributed to a Revocable Trust. The Revocable Trust is generally drafted with more detailed provisions to govern the distribution of many/all assets held within the estate at passing.

GUARDIANSHIP FOR YOUR CHILDREN

Last, but certainly not least, a Will is the preferred document to indicate who you wish to be the guardian(s) of your minor children in the event of your passing during their minority.

The birth of a child is a common motivational factor to begin the

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estate planning process. The choice of guardian(s) should include your initial preference as well as successor provisions. If you do not yet have or no longer have minor children, this provision is omitted.

ADDITIONAL PROVISIONS

In addition to the four primary sections of a Will detailed above, you may also draft additional provisions to address other items such as: the payment of final taxes, how to allocate assets if there is a deficiency, specific caveats regarding distributions and many other items to fully cover and explain your final wishes.

Keep in mind that assets such as Retirement Plans, Life Insurance Policies and Annuities pass via beneficiary designation. Accordingly, you must complete the appropriate documentation with each issuing organization to accomplish how you wish for any of these assets to pass upon your death. In the event that beneficiary designations are not completed, these assets will pass in your estate and be governed by the Will.

A Will is a very significant and necessary foundational estate document; however, it important to note that assets passing under the terms of a Will are subject to probate. Probate is a legal process which subjects your estate to court jurisdiction and the terms of the administration of your estate to public record. Probate can be a costly and time-consuming process. To avoid the lack of privacy, cost and delay of probate, a Revocable Trust should be considered as the second stage in building the foundation to your estate plan.



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WEALTH COUNCIL INSIGHTS EDUCATION SERIES

FOUNDATIONAL ESTATE PLANNING DOCUMENTS: PART 1 – THE WILL *(continued)*

Your Oxford team is positioned to ensure that our affluent family clients continue to develop well-thought-out wealth enhancement strategies and implement them timely and efficiently. Consultation with your Oxford team will allow your full team of advisors to identify the optimal estate planning solutions for your family. Please watch for our next article in this series on the Revocable Trust.

WEALTH COUNCIL INSIGHTS EDUCATION SERIES

ABOUT THE SERIES

In the Wealth Council Insights Education Series, we endeavor to deconstruct some of the complexities that exist around many commonly utilized estate and financial planning concepts in order to provide you and your family with the basic knowledge needed to better understand and create a blueprint for your overall wealth enhancement needs.

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