

My Father's Will

Article by: Donovan Baldwin

The year was 1981, the state was Florida, and I had just flown back from Germany for my father's funeral. My sister and her family were down from New York, and, a few days after the funeral, we were sitting with my mother in a lawyer's office in downtown Pensacola. My mother had just learned that she didn't have any say over what happened to the money she and my father had saved over the years, and she didn't have any control over what happened to the house they had paid for together. She was at the mercy of the State of Florida because my father had died intestate - without a Last Will & Testament.

Fortunately, she and my father had raised their children well. All that was required was for my sister and me to sign a paper relinquishing our claims to any part of the estate. Had we not signed, however, the estate, including the house, all the money in savings, and the \$40,000.00 in Certificates of Deposit would have been divided among the three of us. That was the law, and that was the result of my father not having a will.

My sister and I did not hesitate for an instant. We signed without any problem, but how many families could say that all the possible heirs would be so compliant and agreeable? Even worse, each state has its own way of dealing with the distribution of assets to the heirs of someone who dies without a last will and testament.

There are a lot of options available in addition to the commonplace will for protecting the distribution of assets upon someone's death, including such things as living trusts, but the Last Will & Testament still ranks as one of the simplest and best ways of insuring that your heirs will get what you want them to get without the intervention of courts and lawyers. Taking that for a fact, a Last Will & Testament is one of the most important legal documents a person can create during his or her lifetime: it is the document that determines who receives the assets of that person upon his or her death.

The laws of most states are designed to provide the assets of an estate first to the surviving spouse and then to any children of that person if the spouse is no longer living, but this hierarchy of distribution is not always guaranteed. Indeed, in our case, all three of us, my mother, my sister, and I were considered to be equal in our claims upon the estate. When you think about it, my mother and father had paid for the house without any help from us, and for most of the years she had worked as a grade school teacher, my mother had willingly put every penny of her paycheck in their savings account in the expectation of them having that money in their senior years. The laws of the State of Florida said that she no longer had an unchallenged claim to that house or money.

Setting aside just a few minutes to visit a lawyer or fill out a legal Will form is simply smart estate planning. A Last Will and Testament will guarantee that your family receives the assets of your estate in the manner you desire when the time comes. Why allow the uncertain vagaries of state laws and the decisions of someone who knows nothing of you or your family affect your spouse's finances or your children's finances after you die?

Creating a legal Last Will and Testament document allows you, the maker of the Will, to specify exactly who is to receive the assets of your estate. Creating a Will shortens any legal processes exponentially, as the only major question remaining before the distribution of assets is the authenticity of the Will, which can easily be proven by the signature of the Notary. Creating a Will removes nearly all questions about the distribution of the assets of an estate and speeds the transfer of those assets to the designated survivors.

Even though the obvious value of having a will may fall victim to a person's uncertainty about choosing a lawyer, or the costs associated with hiring an attorney, there are many other options available today. Many office supply stores have forms for a Last Will and Testament, and there are many sites on the internet where you can find forms, software, or services which will help you prepare a perfectly legal Will for a fraction of what an attorney would charge. You can even write your own will if you wish, but be aware that it is easy to say the wrong thing if you are not aware of the requirements of the law, and a good form or software program will help protect you against most simple errors. Of course, someone with a large estate, or someone with a complicated distribution problem should contact an attorney rather than attempting to prepare a Last Will and Testament themselves. The author is retired from the Army after 21 years of service. He has worked as an accountant, purchasing agent, optical lab manager, restaurant manager, instructor and long-haul, over-the-road truck driver. He has been a member of Mensa for several years, and has written and published poetry, essays, and articles on various subjects for the last 40 years. He has been an active internet marketer since 2000, and now makes his living online. He offers a selection of legal forms and software at <http://www.legal-forms-supermarket.com/>. To read other articles by the author, please visit <http://business-info.xtramoney4me.net>.