

**RAPPA LAW**  
**204 Main Street**  
**Melrose, MA 02176**

---

www.rappalaw.com

**Henry A. Rappa, Jr.**  
hrappa@rappalaw.com

Telephone No.: (781) 662-1126  
Fax No.: (781) 662 6037

**ESTATE DOCUMENT SUMMARY**

I. Will

A will is a written document setting forth the disposition of an individual's property upon death. There are specific rules regulating the standards of a will, including but not limited to the following:

- a. The testator (maker of the will) must be at least 18 years old;
- b. The testator must be of sound mind;
- c. The will must be written;
- d. The will must be witnessed by two competent persons and a notary public. No beneficiary shall be a witness or his inheritance under the will can be voided.

A Will allows the testator to choose the individuals who receive your property, the person responsible for handling the estate (Executor), and the power that person has to administer the estate property. You may also select the person who will be guardian of your minor children as a provision in a Will, and this ensures that your children will be taken care of by the person(s) that you select. A Will has substantial benefit in that you choose who receives your property, and your Will allows for a process that is not only more efficient and timely, but also far more cost effective.

II. Trusts

A trust is a legal document whereby the donor, (i.e., a person who places the property in trust) appoints one or more person as a trustee to hold the property placed in trust for the benefit of one or more other persons known as a beneficiary. There are many reasons for placing property in trust including but not limited to the following:

- a. To provide an entity whereby assets are placed upon death from a Will drawn in concert with the Trust. This will allow for the orderly distribution of your assets upon death and allow for restrictions and provisions of distribution of assets,.
- b. To set guidelines upon which the trustee shall distribute trust property, i.e, health, education and welfare of the beneficiary;
- c. To allow the trustee broad powers to manage your property, and allow for your distribution plan.

There are several types of Trusts, including but not limited to Revocable, Irrevocable (used for Medicaid Planning), and Real Estate Trusts. This summary is provided to acquaint you with

types of trusts, and a more particular description can and will be provided only with an in person meeting.

### **III. Health Care Proxy**

A Health Care Proxy is a document in which you select a person (“health care agent”) to make health care decisions when you cannot do so for yourself. The Health Care Proxy sets for specific powers that your health care agent is instructed to follow in order further your interests. The Health Care proxy becomes effective when your health care provider determines that you cannot make health care decisions for yourself, i.e, not conscious. You set forth the framework in which your health care agent makes decisions incorporating your beliefs and statement of intent contained in a Living Will.

### **IV. Durable Power of Attorney**

A Durable Power of Attorney is a document whereby you appoint an individual or individuals (known as attorney in fact) to represent your financial and legal interests. This document provides the attorney in fact specific powers that you select to be used when you are incapacitated or otherwise determine that your power of attorney should be effective. The Durable Power of Attorney also prevents the need for a Guardian or Conservator (person in charge of your financial assets and affairs) in the event that you are incapacitated. This allows you to select the person(s) you trust to handle your personal and financial affairs, and to avoid the costly and time consuming process of having a court appoint Guardian or Conservator.

### **V. Living Will**

A Living Will is a statement of your intent that you do not desire life sustaining equipment and medical care in the event that you have no hope of recovery. This is a key document in that it makes your Health Care Agent and medical providers know your intention regarding the provision of life sustaining medical care, i.e., ventilator and feeding tubes, when a medical care professional determines that you have no hope of recovery. You set forth the terms of when care shall be ceased, and you set forth the types of care you are willing to receive if any, when you have no hope of recovery. Your Living Will is incorporated into your Health Care Proxy so that your agents shall be well versed on your wishes, and moreover, your Health Care Agent shall be bound to act in accord with your wishes.

### **DISCLAIMER**

**This document is provided for informational purposes only, and a full understanding of these documents requires an in person meeting with an attorney who can fully and completely cover these documents with you.**