

For the roles below, we generally suggest you list three choices. One individual as your primary choice, and two others to serve as back-ups or alternates. We also recommend against having two or more people serving together at the same time. If the two people chosen cannot agree, then nothing gets done and your wishes may not be followed. Finally, when picking someone there are three general rules that are good to follow:

- Choose someone that you trust.
- Choose someone that will follow your wishes, and not his or her own when the two conflict.
- Choose someone that can handle the responsibility.

EXECUTOR (Will): The Executor is the person who administers your Will in the probate process. This individual is responsible for managing your property in your estate and distributing it as your Will directs. In appointing someone for this role, you should make sure to choose someone that you trust and that is financially responsible.

- It is common for most married couples to pick the spouse first.
- Close family and friends are good choices as alternates.
- Children can also be good choices as back-ups. In some cases this might create tension with the other children who are not involved with administering the estate and inheritance.

TRUSTEE (Trust): The Trustee is the person responsible for managing your Trust and making distributions according to the rules drafted in your Trust. A Trustee is required to keep track of all property in the Trust and manage the assets and investments.

- The first Trustee of your Revocable Living Trust will almost always be you while you are living.
- The second Trustee is often a spouse.
- The alternate Trustee can be any other individual whom you trust. However, we caution clients to consider carefully whether they want their children serving as Trustee as there is a great deal of responsibility and liability, and there is sometimes tension when one child is managing the property for the other children.
- An option as the final successor can be a corporate Trustee, such as the Trust or Wealth Management Department of your bank or in some cases your Financial Advisor. Corporate Trustees charge an annual fee, but have the advantage of doing this work professionally. They are neutral and will reliably follow the directions of your Trust. Let us know if you would like suggestions for corporate Trustee.

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ATTORNEY-IN-FACT (Durable General Power of Attorney):

Your Attorney-in-Fact under a Durable General Power of Attorney is the person responsible for your financial affairs from day-to-day when you can no longer manage them. This includes such tasks as paying bills and accepting money. Your agent will have control of any financial assets that are not in your Trust.

- A spouse is often the primary choice.
- Children, family, and friends are good choices for the back-up agents.
- It is often convenient to have your nominations for this to power match your Trustees.

ATTORNEY-IN-FACT (Health Care Power of Attorney): Your Attorney-in-Fact under your Health Care Power of Attorney is the individual responsible for making medical decisions when you are unable to. A great deal of thought should be given to your appointees for this power. It is very difficult to undo the consequences if the chosen individual is unable or unwilling to comply with your personal wishes and goals. By making a good and reliable choice now, we can prevent problems later.

- One's spouse is the usually preferred first choice.
- Children, family, and friends are good choices for the back-up agents.
- Again, we do not advise you selecting more than one person to serve in this role at a time.



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