HEIRS' PROPERTY DEFINITIONS EXERCISE

"DURING LIFE" CONCEPTS, ROLES, & DOCUMENTS

Conservatorship and/or Guardianship	**Living Will/Advance Healthcare Directive**
Power of Attorney (POA)	**Durable Power of Attorney (DPOA)**

________________________ a written, legal document that spells out medical treatments you would or would not want to be used to keep you alive, as well as your preferences for other medical decisions, such as pain management or organ donation, when you can no longer make decisions for yourself.

________________________ a legally binding document that allows you to appoint someone to manage your property, medical, or financial affairs. This document terminates at the expiration date set by the appointer or at the appointer's incapacity or death, unless revoked earlier.

________________________ a legally binding document that survives incapacity, meaning it will stay in place even when the appointer becomes incapacitated. Once the appointer passes away, the durable power of attorney agent's authorization and responsibilities end.

________________________ the appointment of a guardian or conservator by a judge to manage the financial affairs and/or daily life of another person due to old age or physical or mental limitations.

"AFTER LIFE" CONCEPTS, ROLES, & DOCUMENTS

Key Concepts

Assets	**Decedent**	**Estate**	**Estate Administration**
Intestate	**Succession**	**Probate**	**Testate**

___________________________ a person who has died.

___________________________ a person's property or net worth. When the person is deceased, their estate goes through probate and is distributed according to the terms of their Last Will & Testament. If there is no will, the estate is "administered" in accordance with the state's laws of intestate succession. Some assets pass outside the administrative estate including insurance policies and retirement plans naming beneficiaries, financial accounts with survivorship rights in another person, and real property where the deed vests survivorship rights in another person.

___________________________ Louisiana's process of settling a deceased person's estate and distributing the property of those who inherit after debts are paid. The equivalent of administration/probate in other states.

_____________________________ the decedent died with a valid Last Will & Testament.

_____________________________ the decedent died without a valid Last Will & Testament. When a person dies intestate, the estate is distributed in accordance with the state's laws of intestate succession, after creditors and administrative costs are paid.

_____________________________ a court-administered process in which the probate court confirms the validity of a Last Will & Testament and allows other people the option to challenge the will. The estate is then administered in accordance with the Last Will & Testament

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______________________________ a court-administered process in which the probate court administers the estate in accordance with the state's laws of intestate succession and the laws defining the decedent's heirs-at-law.

______________________________ real or personal property, property (including cash/liquidity) owned by a person or company, regarded as having value and will be liquidated to meet debts, administrative costs or distributed according to the Last Will & Testament.

Roles

Administrator	**Beneficiary**	**Executor/Executrix**	**Heir**	**Notary**
Personal Representative	**Testator/Testatrix**	**Trustee**		**Spouse**

______________________________ a person who has written and executed a Last Will & Testament.

______________________________ a court-appointed person ordered to manage the estate of a deceased person who died intestate.

______________________________ a court-appointed person or institution usually named by the Decedent in the Last Will & Testament who is responsible for carrying out the terms of a Last Will & Testament and overseeing the probate of the Will & administration of the assets/estate.

______________________________ a collective name for either Executors or Administrators.

______________________________ a person entitled to receive funds or other property under a trust, Last Will & Testament, retirement account, or insurance policy.

______________________________ a person legally entitled to inherit the property and assets of a decedent.

______________________________ a person or business that administers a trust.

______________________________ a person authorized by the law of the state where they reside to perform certain legal formalities and certify/witness signatures on estate planning documents, contracts, deeds, etc.

______________________________ a life partner in a marriage, civil union, or common-law marriage as recognized by state law.

Documents

Codicil	**Holographic Will**	**Irrevocable Trust**	**Last Will & Testament (Will)**
Living Trust	**Revocable Trust**	**Testamentary Trust**	**Trust**

______________________________ a document which directs how property is to be distributed to beneficiaries and heirs upon a person's death and who is suggested as the guardian for minor children in the event the decedent is the last parent of the child to die.

______________________________ an addition or supplement that explains, modifies, or revokes a Last Will & Testament or part of one.

_____________________________ a handwritten and testator-signed document that is legally binding in some states, but not produced by a lawyer.

_____________________________ generally a fiduciary arrangement that allows a third party, or trustee, to hold assets on behalf of a beneficiary or beneficiaries according to specified terms and conditions.

_____________________________ a legal arrangement established by an individual (the grantor/trustor) during their lifetime to protect their assets and direct their distribution after the grantor's death. Avoids the probate process.

_____________________________ a trust that is created by a person's Last Will & Testament.

_____________________________ created when a person gives up his/her rights to change the terms of a trust once created. The trustor/settlor cannot later change the terms of an irrevocable trust. This type of trust can protect assets from Medicaid estate recovery with proper Medicaid planning.

____________________________ allows the trustor/settlor to amend and make changes to the trust after it has been formed.

Ownership/Distribution of Property

Community Property **Heirs' Property** **Joint Tenants with Rights of Survivorship** **Per Stirpes** **Life Estate** **Per Capita** **Tenants-In-Common** **Transfer on Death/Payable on Death**

__________________________ property owned jointly by a married couple or registered domestic partners (in some states).

__________________________ co-owners who jointly own property without rights of survivorship, meaning a decedent's interest in the property passes as directed in the decedent's Last Will & Testament or by intestate succession.

__________________________ co-owners who jointly own property with rights of survivorship, meaning a decedent's interest in the property passes to the surviving owner(s) upon the decedent's death.

__________________________ property owned by numerous tenants-in-common, most of whom are related. It usually passes from one generation to another when a landowner dies intestate or with no succession/estate planning for the land.

__________________________ an interest in property only for the life of a person with the remaining interest (remainder) to vest in others upon the death of the person holding the life estate.

__________________________ lets beneficiaries receive assets at the time of the person's death without going through probate.

__________________________ "by roots," "by branch," or "by representation." The term refers to every person down a branch of a family tree. An estate of a decedent is distributed per stirpes if each heir of a deceased person takes the share to which their deceased relative would have been entitled had that relative been alive.

__________________________ "by head" or "for each head." The inheritance is distributed equally among beneficiaries within the same generation/class.

Entities

Corporation	Limited Liability Company

________________________ a legal entity created according to state law that is separate and distinct from its owners. For profit corporations act through a board of directors selected by its shareholders (owners).

________________________ a legal entity created according to state law that is separate and distinct from its owners. It acts through its manager(s) or its members (owners)