AMERICANA

Financial Group

FIELD GUIDE Nº 7

Estate & Legacy

The documents that decide who chooses, who receives, and how hard it is.

WARRENVILLE, ILLINOIS · LAS VEGAS, NEVADA

What's inside

> *Estate planning is less about wealth than about instructions — who decides, who receives, and how much friction your family absorbs. This guide covers the documents and the order they belong in.*

I

Not just for the wealthy

Everyone has an estate plan. Most did not write it.

If you own anything and have not documented your wishes, your state has a plan for you: intestacy statutes decide who inherits, and a court decides who raises your minor children.

Estate planning is simply replacing those defaults with your own instructions. For most households it is not about estate tax at all — it is about naming a guardian, avoiding delay, and sparing the family a decision they are not equipped to make while grieving.

> *The question is not whether you have an estate plan. It is whether you or your state wrote it.*

II
The will

What it does — and what it never touches.

A **will** directs property that passes through your probate estate, names an **executor**, and — critically for parents — nominates a **guardian** for minor children.

What it does not do is control assets that pass by contract or by title: retirement accounts, life insurance, and jointly held property move by their own rules regardless of what the will says.

> *A will is necessary and insufficient. It is one instrument in a set, not the whole plan.*

III

Beneficiary designations

The quiet override.

Retirement accounts, life insurance, and annuities pass by **beneficiary designation**. That form outranks your will — every time, without exception, and regardless of how recently the will was signed.

Stale designations are the most common defect we encounter: an ex-spouse still listed, a deceased parent as primary, no contingent named at all, or a minor child named outright with no trust to receive it.

> *Review every designation after marriage, divorce, birth, or death. This is the highest-value hour in estate planning.*

IV
Probate

What it is, and why people work around it.

Probate is the court process that validates a will, settles debts, and transfers what remains. It is not a disaster — but it is public, it takes time, and it costs money, with all three varying considerably by state.

Assets with a named beneficiary, a survivorship title, or ownership by a trust generally pass outside it. That is the mechanism behind most probate-avoidance planning.

> *Property in more than one state can mean probate in more than one state — a common reason clients with a second home revisit their plan.*

V

Trusts

Revocable, irrevocable, and what they are actually for.

A **revocable living trust** holds title to assets during your life, stays fully under your control, and passes what it holds outside probate. It offers no asset protection and no tax advantage while you are alive.

An **irrevocable** trust gives up control in exchange for outcomes control cannot buy — potential creditor protection, removal from the taxable estate, or eligibility planning.

A trust only governs what has actually been retitled into it.

> *An unfunded trust is an expensive folder. Funding — moving title — is the step most often left undone.*

VI

Powers of attorney

The documents that matter while you are alive.

A **durable power of attorney** names someone to handle financial matters if you cannot. A **healthcare power of attorney** names someone to make medical decisions. Both operate during your lifetime — which is exactly why they are the documents families reach for first.

Without them, the alternative is a court-supervised guardianship: slow, public, and expensive at precisely the wrong moment.

> *Incapacity is statistically far more likely than sudden death at most ages. These documents carry more weight than their filing fee suggests.*

VII
Healthcare directives

Instructions, so nobody has to guess.

A **living will** or advance directive records your wishes on life-sustaining treatment. A **HIPAA authorization** permits providers to share medical information with the people you name.

Their real function is relief: they let a family follow instructions rather than improvise a decision under pressure, and they head off disagreement among people who all believe they are honoring you.

> *Give copies to the people named. A directive nobody can produce at the hospital does not help anyone.*

VIII

Titling & joint ownership

How property is held often decides where it goes.

Two people can own the same asset in ways that produce completely different outcomes. **Joint tenancy with right of survivorship** passes automatically to the survivor. **Tenancy in common** does not — that share goes through the owner's estate.

Adding an adult child to a deed or account for convenience is a frequent misstep: it can expose the asset to that child's creditors and divorce, and may carry gift and basis consequences.

> *Titling quietly overrides intent. Review how each significant asset is actually held.*

IX

Keeping it current

A plan is a snapshot until you maintain it.

Revisit the plan after any marriage, divorce, birth, death, business sale, inheritance, or move to another state — and otherwise every few years.

Then build the **document map**: where the originals live, who holds copies, the professionals involved, and a current list of accounts, policies, and digital access. The best-drafted plan still fails if nobody can find it.

> *Tell the people you named that you named them. Surprise is the enemy of a smooth settlement.*

Now put it in order.

We are not attorneys and we do not draft documents — but we coordinate closely with the ones who do, and we can review every beneficiary designation and ownership title you hold. That review is free.

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