The Case for Estate Planning

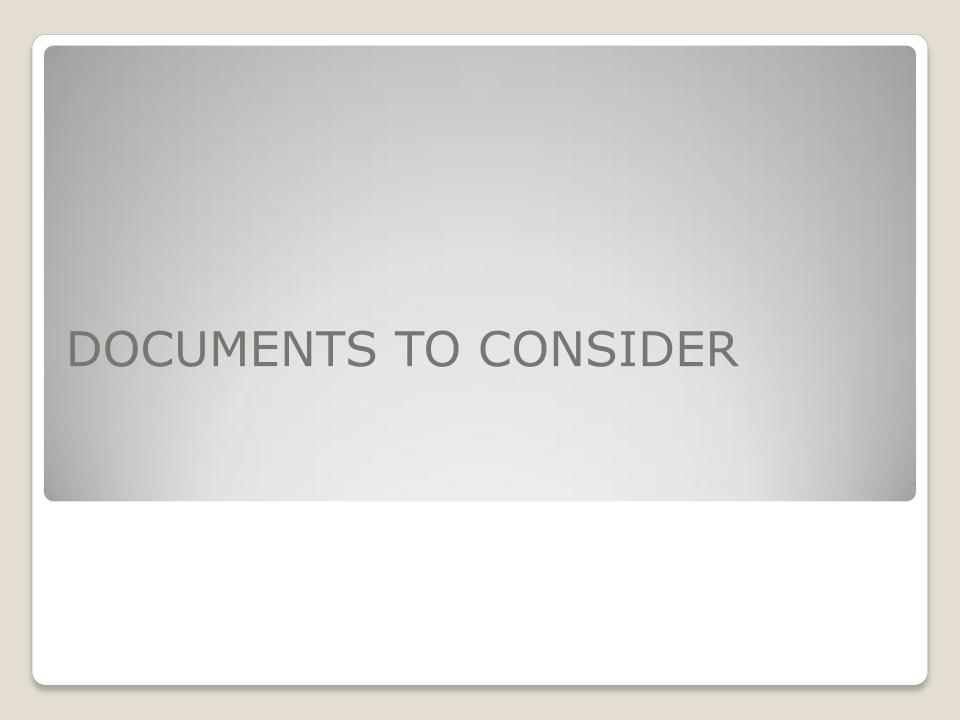
Angelia M. Nystrom

Director of Planned Giving University of Tennessee

Estate Planning is...

The continuing process of coordinating a person's financial affairs to secure economic security during life and to provide for the orderly disposition of assets at death.

CHARACTERTISTICS OF A GOOD ESTATE PLAN



LAST WILL AND TESTAMENT

The Cornerstone of a Good Estate Plan

Types of Wills

- 1. Oral Will
- 2. Handwritten (or Holographic Will)
- 3. Attested Will

Oral (or Nuncupative) Will



Attested Will

Things to Consider

- What Assets Pass Under Your Will
- 2. Who to Name as Personal Representative
- 3. Who to Name as Trustee of any Trust
- 4. Who to Name as Guardian for Minor Children
- Whether Tax Planning Is Needed
- 6. Special Gifts or Specific Bequests

Things to Consider in the Charitable Giving Context

- 1. General Bequest
- 2. Specific Bequest
- 3. Residuary Bequest
- 4. Contingent Bequest

TAX PLANNING OPPORTUNITIES

- 1. Unlimited Exemption for Spouse
- 2. Tennessee Exemption: \$1 Million
 - 3. Federal Exemption: \$5 Million



The Tennessee Intestacy Statute

.... Or what happens if a donor does not have a Will.

The Revocable Trust ... also known as the Living Trust...

The Durable Power of Attorney

Authorizes another person to act on your behalf in various business and personal matters.

Charitable Remainder Trust

... Allows a donor and a charity to share income and remainder interests by setting up a gift to charity while retaining an interest for the donor and the donor's family.

Annuity Trust

- Income from annuity is a fixed percentage
- For assets that will be able to generate required income
- Income to donor is fixed and will not grow with asset
- Does not allow for addition to asset base

Unitrust

- More flexible but riskier
- Donor receives fixed percentage but assets valued annually
- Donor benefits from growth of assets
- Allows for additions to asset base
- Income can fluctuate

Charitable Gift Annuity

Beneficial for donors who need income, want an immediate tax deduction, and wish to support a single charitable organization

Charitable Lead Trust

Charitable organization receives benefit of assets for a fixed period of time but ultimate distribution of assets is to donor's heirs

Gifts of Life Insurance

Using Retirement Benefits to Make Charitable Gifts

Tennessee Health Care Decisions Act

Appointment of Healthcare Agent Form

Advance Care Plan

Durable Power of Attorney for Healthcare

Living Will

THE END