



*Rodney Haun - Attorney at Law*  
**WILL KIT – INSTRUCTIONS**  
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*To those considering a Will or other related documents,*

My father was adamant about not having a will for years. His thought was that if you create a will then it means you are ready to move on. Later in life he realized that letting your family and friends know your wishes or desires, instead of leaving them to debate, or even fight over what “they thought” were your wishes, far outweighed his angst.

A Will is not a document you prepare and then pass away, it is a living, breathing document that changes over time as you change and your assets change. It is a way to ensure that the heirloom you promised to one person is honored, because you documented it in writing, and family and friends are not left to speculate.

Therefore, the purpose of this document is to provide you with an understanding of the importance of having a will, things you should consider and think about, as well as, provide you information on additional documents you may wish to consider completing as they relate to your healthcare and ability to make known your desires when you may not be capable of expressing them at the time of treatment.

I look forward to helping guide you in these decisions and the questionnaires provided merely scratch the surface. They are just that – a guide – to get a foundational understanding of your assets, your wishes, and we will then build your will and any other documentations from those and our discussions.

Thank you,

*Rodney Haun*  
Attorney At Law

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## Pricing:

### **Individual Forms/Documents:**

- Will – Single: \$150
- Will – Couple: \$225
- Durable Medical Power of Attorney – Single: \$75
- Durable Medical Power of Attorney – Couple: \$125
- Durable Financial Power of Attorney – Single: \$75
- Durable Financial Power of Attorney – Couple: \$125
- Living Will – Single: \$75
- Living Will – Couple: \$125

### **Complete Package:**

- Single – Will, Durable Medical POA, Durable Financial POA, and Living Will: \$325
- Couple – Will, Durable Medical POA, Durable Financial POA, and Living Will: \$550

### **PLEASE NOTE:**

**Pricing is only for the documents listed above. Should there be a need for a trust, living trust, guardianship, etc. those will be accomplished at an hourly rate.**

## Definitions:

A few definitions:

Durable – a durable power means it takes effect and/or remains in effect when you become incapacitated or unable to make those decisions yourself, such as medical decisions and finances.

General – a general power is normally an immediate power to act on your behalf as your agent, but that power ends when you become incapacitated.

Trust – a legal document that lists assets to be managed for the benefit of others and disbursed on certain conditions or timing. Such as a way to ensure support of a child or charity over time versus giving it to them all at once.

## Documents:

The following documents are explained in this document, and can be found on the USB thumb drive (Will kit) or the website: <http://www.rhaunlaw.com/willkit>

You will want to download them to your computer and open them in Adobe Reader. This will allow you to then enter your information directly into the form(s) and save / edit as you complete the questions.

- Will-questions.pdf
- DurableMedicalPOA-questions.pdf
- DurableFinancialPOA-questions.pdf
- LivingWill-questions.pdf
- Complete-Set-Questions.pdf

Awareness/Consideration: – Related to DNR from State of Ohio Department of Health

- DNR+Education+for+the+public.pptx
- DNR+comfort+care+form1.pdf

## Purpose of a Will:

In a nutshell, a will is a way to communicate to your family and friends your wishes or desires of how you want your estate / affairs / assets handled when you pass away so they don't have to speculate. Think of it as a guide you provide your family on how you want your final affairs handled.

A will is also a way to ensure or reduce tension within the family, especially regarding specific heirlooms or items you wish someone to receive. In many cases when a person passes away intestate (i.e. without a will) the family will argue and even fight over something as simple as a set of silverware. You may say, "That won't happen in my family." That may be true, but people's attitudes change and even more so without you providing guidance. Therefore, the will allows you to specifically document items you have promised to others to ensure your wishes are carried out.

You will then appoint an executor/trix to carry out those wishes. Think of this role as your spokesperson, your voice to your family and friends, who will ensure your wishes are fulfilled.

**What if I don't have a will?** All in all, it is not as frightening as you may hear on television, but there are potential unintended consequences especially if you have re-married and your current spouse is not the biological or adoptive parent of your children or all your children. In Ohio, your spouse would then receive a certain dollar amount, depending on the number of children and/or their relationship to your current spouse, and then a third or half of the remainder of the estate. The children would get the remainder. This could require the sell of assets, such as a home to comply with the law. Something you probably did not intend to happen.

If you don't have a spouse and no children then Ohio law would look to your parents, grandparents, and on down the line until they found an heir. Do you want a niece or nephew you may not know inherit your estate? Wouldn't you prefer it to go to a friend or charity?

Your will can be modified and changed at any time prior to you passing away.

## Durable (Medical) Power of Attorney for Health Care:

Also known as a Medical Power of Attorney (POA), this document allows you to select someone, and name an alternative (backup), to make medical decisions on your behalf when you are unable to respond, such as unconscious or you are no longer mentally able to make medical decisions.

This differs from a Living Will as this document allows someone to make medical decisions on your behalf on the treatment to receive when you are unable.

Medical decisions include any medical service, treatment, medical procedures, diagnosis or treat both mental and physical conditions. They will have the same authority as if you were acting on your own behalf, and will have the authority to consent, refuse to consent to medical treatment including decisions about withdrawing or withholding life-sustaining treatment. But, for life-sustaining treatment, your Living Will, should you have one, will override your Medical / Healthcare POA.

One of many examples: You are unconscious after an accident. Doctors want to perform a certain procedure, operate, etc. They may have several options and they need someone to weigh the options / recommendation(s) and make the decision. This is where this document take effect.

It is like a Power of Attorney for finances. Where that document declares someone to handle your financial affairs as your agent. While the Healthcare POA allows them to handle your medical affairs, but you can limit that power.

Your agent must be 18 or older and be willing to accept this responsibility and you must trust them to act in good faith on your behalf. Generally, if married, spouses give each other this role. A backup or for a single person, this selection may be harder to consider. Although, a close relative, sibling, confidant are likely choices.

## Durable (Financial) Power of Attorney:

Generally known as Durable Power of Attorney. This document, like the Durable Power of Attorney for Healthcare, allows you to designate someone to act on your “financial” behalf.

You can limit or restrict that authority and determine when it takes effect. Such as immediately upon execution, whereby you do not have to be incapacitated for the “Agent” to act on your financial behalf and being “durable” it remains in affect once you become incapacitated.

Or have it become active only after two physicians have determined you are no longer mentally capable of handling your financial affairs.

Authority is not limited to just signing checks and depositing on your behalf, but can include buying/selling tangible assets, real estate, and the like. To hiring employees to do your taxes, accounting, repair your assets, etc.



## Living Will:

Do not confuse a living will with a living trust. Further down in this document you will see an overview of a living trust. In general, a living trust is about putting all your assets into a trust to avoid probating your estate upon death, but there are a number of options to avoid or at least reduce what needs to be probated in Ohio.

As for a living will, it provides guidance to doctors, your family and friends on the life-sustaining treatment you wish to receive or not receive should you be in a terminal condition or have a terminal illness, or you are in a permanently unconscious state, and you are unable to make those choices directly. It is also known as an, 'Advance Directive'.

*“Two physicians examine you and it is determined that you cannot recover, and that death is likely to occur within a relatively short time if you do not receive life-sustaining treatment.”*

In Ohio, a Living Will does not affect the responsibility of health care personnel to provide you comfort care. Which means, they will take measures to diminish pain or discomfort, but not to postpone death.

It is recommended to also have a Durable Medical Power of Attorney (Healthcare) to direct medical treatment in other circumstances, but if you are in a terminal condition or a permanently unconscious state the Living Will supersedes a Medical POA.

## DNR – Do Not Resuscitate:

You will find on the <http://www.rhaunlaw.com/willkit> website or the USB thumb drive (Will Kit) the following two documents.

- Ohio DNR Order Form (DNR+comfort+care+form.pdf)
- DNR PowerPoint (educational information – DNR+Education+for+the+public.pptx)

They were prepared by the State of Ohio Department of Health and included herein, only as a matter of convenience for you should you wish to consider.

You can find more information on Ohio's Department of Health's website:

<https://odh.ohio.gov/wps/portal/gov/odh/know-our-programs/do-not-resuscitate-comfort-care/welcome/>

**NOTE:** Ohio Code §3701-62-10

### **Order of preference – things to consider.**

- A Living Will supersedes a Durable (Medical) Power of Attorney for Healthcare.
- A DNR order [an order you consented to] supersedes a Durable (Medical) Power of Attorney for Healthcare.
- A DNR consented to by your agent for Durable (Medical) Power of Attorney can later supersede that same DNR.
- If you have signed both a DNR and a Living Will the more recent document controls or is to be followed by your attending physician.

A DNR is directing medical providers to not perform CPR on you, but it does not mean they do not treat you. You **DO NOT** have to have a terminal illness, a life-threatening, or life-shortening condition. Whereas, in a Living Will you can request a medical provider not perform CPR, but you **MUST** have a terminal condition or illness to which you cannot recover, and/or you are in a permanently unconscious state.

**(\*) You should speak with your healthcare provider to determine if a DNR or Living Will is the better option should you considering making this type of declaration.**

## Using the Questionnaire forms:

Entries for the “Client” will be either the single person or if a couple, one of the two spouses. If a couple, then the “Spouse” will be the other person. There may be different information / wishes / desires for each person.

All the documents are in PDF format with entry fields. You do not have to fill them out all at once. You can add / edit and save at your leisure. The entries get saved when you save the file.

I recommend you save the file(s) in a different name such as: File: Will-question.pdf  
Save it as: Yourname-Will-question.pdf. Just so you can keep your data separated from others should you help another family member fill out a questionnaire, too.

This will also help me when you email the data so I can also keep it separated.

If you need more fields then you can place additional information into a Word document and specify its purpose and contents.

Any questions just let me know.

*Rodney Haun*

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## Trust / Guardianship:

Trusts and guardianship documents are much more involved and detailed and require significant discussion and investigation to ensure you select the right company (i.e. trustee) to manage the money and right person(s) to raise your children until they are of age.

They are more complicated than these other documents referenced and why creation of such are on an hourly basis versus a set price/fee.

## Living Trust:

What is a living trust? An easy way to explain it is this: You put all your assets into the name of your trust. Such as “Your Family Trust”. You are appointed as a Trustee of the trust. This allows you to buy, sell, etc. as the trustee. You sign all documents, checks, etc. as trustee.

If married, both you and your spouse are co-Trustees. When one passes away the other remains as a Trustee. There is nothing to distribute through probate. The trust continues with the surviving Trustee.

When the final trustee passes away then the property passes to your successor trustees (i.e. your children, others). At that point they can dissolve the trust and take their share or continue to manage the trust. This will depend on the term’s setup in the trust.

While this doesn’t eliminate filing final tax forms, it can eliminate the need for probate.

We can discuss separately, should you wish to create one but note everything goes into the name of the trust. House, cars, bank accounts, etc. It is a bit of a time-consuming process to accomplish those changes.

There are other options in reducing your assets that must go through probates, such as placing your assets into joint tenancy with the right of survivorship, designating beneficiaries on all your accounts such as bank accounts, life insurance, etc. In those instances, a certified death certificate generally is all that is needed to finalize the transfer to the beneficiary or survivor.

Note: Copies of the death certificate are generally not accepted. You will want to order a sufficient number of official certificates. You can always get more, of course.

## Next Steps:

1. Complete the questionnaire(s) of the document/form(s) you wish to have created.
2. Email me with questions.
3. Once complete then email me the form(s) filled out to:
  - a. Rodney.Haun@rhaunlaw.com
4. I will then invoice you for 50% of the amount due.
5. I will then draft the documentation, and follow up with questions either via email, phone or in-person.
6. Then we will meet to finalize, especially if you selected documentation with the notary option.
7. Remainder fees due at completion.