

Some Basics on Wills

Setting up a will is an essential part of estate planning, ensuring that your assets are distributed according to your wishes and that your loved ones are cared for after your passing. Below is a step-by-step guide to creating a will:

1. Assess Your Needs and Goals

- **Determine Your Objectives:** Decide what you want to achieve with your will, such as distributing assets, naming guardians for minor children, or supporting charitable causes.
 - **Evaluate Your Assets:** Make a list of all your assets, including real estate, bank accounts, investments, retirement accounts, personal belongings, and business interests.
 - **Identify Beneficiaries:** Decide who will inherit your assets. Beneficiaries can include family members, friends, charities, or other organizations.
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2. Choose an Executor

- **Role of the Executor:** The executor is responsible for carrying out the terms of your will, including managing your estate, paying debts and taxes, and distributing assets to beneficiaries.
 - **Select a Trusted Individual:** Choose someone who is trustworthy, organized, and capable of handling financial and legal responsibilities. You can also name a professional executor, such as an attorney or financial institution.
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3. Decide on Guardianship for Minor Children

- If you have minor children, name a guardian to care for them in the event of your passing. This is one of the most critical decisions in your will.
- Discuss your choice with the potential guardian to ensure they are willing and able to take on this responsibility.

4. Specify How Assets Will Be Distributed

- Clearly outline how your assets will be divided among your beneficiaries. Be specific to avoid confusion or disputes.
 - Consider any special circumstances, such as providing for a dependent with special needs or leaving a portion of your estate to charity.
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5. Consider Setting Up Trusts

- If you want to control how and when your assets are distributed, consider setting up a trust. For example:
 - **Revocable Living Trust:** Allows you to manage your assets during your lifetime and transfer them to beneficiaries without going through probate.
 - **Special Needs Trust:** Provides for a dependent with special needs without affecting their eligibility for government benefits.
 - Trusts can also help reduce estate taxes and protect assets from creditors.
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6. Draft the Will

- **Work with an Attorney:** While you can use online tools or templates, it's highly recommended to work with an estate planning attorney to ensure your will complies with state laws and addresses your unique circumstances.
 - **Include Key Elements:**
 - Your full name and declaration that the document is your last will and testament.
 - Revocation of any previous wills.
 - Names of beneficiaries and specific bequests.
 - Appointment of an executor and guardians (if applicable).
 - Instructions for paying debts, taxes, and final expenses.
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7. Sign the Will

- **Follow State Requirements:** Most states require the will to be signed in the presence of at least two witnesses who are not beneficiaries.
 - **Witnesses:** The witnesses must also sign the will, attesting that you were of sound mind and not under duress when creating the document.
 - **Notarization (Optional):** Some states allow for a "self-proving affidavit," which involves notarizing the will to simplify the probate process.
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8. Store the Will Safely

- Keep the original will in a secure location, such as a fireproof safe, safety deposit box, or with your attorney.
 - Inform your executor and trusted family members where the will is stored to ensure it can be accessed when needed.
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9. Review and Update the Will Regularly

- Life events such as marriage, divorce, the birth of children, or significant changes in assets may require updates to your will.
 - Review your will every few years or after major life changes to ensure it reflects your current wishes.
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10. Communicate Your Wishes

- While not legally required, it's a good idea to discuss your plans with your executor, beneficiaries, and family members to avoid surprises or disputes.
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Additional Considerations

- **Legal Requirements in Minnesota:** Ensure your will complies with Minnesota state laws, including witness requirements and rules for holographic (handwritten) wills.
- **Tax Planning:** Work with an estate planning attorney or financial advisor to minimize estate taxes and maximize the value of your estate for your beneficiaries.

- **Charitable Giving:** If you wish to leave a portion of your estate to charity, specify the organizations and amounts in your will or consider setting up a donor-advised fund or charitable trust.
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Conclusion

Setting up a will is a straightforward but critical process to ensure your assets are distributed according to your wishes and your loved ones are cared for. By carefully planning, working with professionals, and keeping your will up to date, you can create a lasting legacy and provide peace of mind for yourself and your family.