

"Your Estate Matters"

By Ronda M. Gabb, NP, JD, RFC

Legal-ease 

D-I-Y LOUISIANA PLANNING

In the midst of this COVID-19 crisis, it's easy to feel overwhelmed and out of control, especially if you don't have a comprehensive estate plan in place. If you are in the minority, and already have a solid estate plan in place, good for you! That peace-of-mind is invaluable in a time like this, right?

While I highly recommend meeting with a Board Certified Estate Planning and Administration Specialist, certified by the Louisiana Board of Legal Specialization, to implement your estate plan, there are only four of us on the entire Northshore so this may prove challenging right now. That's why I'm writing this "Do-It-Yourself" (D-I-Y) Louisiana Estate Plan article, to give you some immediate comfort and control until you can spend the time necessary to implement a fully comprehensive estate plan.

For those of you that have no Last Will and Testament in place, you need to be familiar with the laws of intestacy for the State of Louisiana because, in essence, the state has already written your Will for you. In a nutshell, if you have children, they inherit everything, not your spouse. As to the community property, the surviving spouse enjoys a "usufruct" over the property (until the earlier of death or remarriage), but the surviving spouse does not have a usufruct over the decedent's separate property. To read some of my prior articles that discuss intestacy, usufruct, forced heirship and more, visit my website at www.rondamgabb.com and click on "Articles" or visit my Facebook page.

If intestacy isn't how you want your estate to pass, our law allows you to handwrite a Will, which can suffice until you are able to meet with a qualified attorney to establish a comprehensive estate plan. A handwritten Will is called an "Olographic" Will, and is subject to very few formalities. It must be written entirely in your own handwriting, it should be dated, and it must be signed at the end. Witnesses are not required, and it should not be notarized because we don't want it to be confused with a "Notarial" Will.



Right now, health care may be your biggest concern, as it should be. There are excellent self-help resources available on the internet. A very good Living Will is on the Peoples Health website. Do a Google search for "Peoples Health Louisiana Advance Directive" and it should be the first choice after the ads. Click the link and scroll down a few pages to the printable fill-in form. A good health care power of attorney (HCPOA) is available from the Governor's Office of Elderly Affairs (GOEA). Go to Google and search "Louisiana Health Care Power of Attorney" and it should be the first link after the ads. Print both forms and sign them in front of two witnesses who are not related by blood or marriage. There is no statutory need for a Notary on the HCPOA.

Once you have your health care documents in place, I highly recommend joining DocuBank. This is a service that houses copies of your health care directives, the names and phone numbers of your emergency contacts and your doctors, and important information about your medical history. DocuBank assures that this information is available 24 hours a day, from anywhere in the world. Enroll at www.docubank.com

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Ronda M. Gabb is a Board Certified Estate Planning and Administration Specialist certified by the Louisiana Board of Legal Specialization. She is a member of the American Academy of Estate Planning Attorneys, National Academy of Elder Law Attorneys and the Governor's Elder Law Task Force. Ronda grew up in New Orleans East and first moved to Slidell in 1988, and now resides in Clipper Estates.



See other articles and issues of interest!

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