

Your Guide to Wills

Planning for your will

Many people mistakenly believe they don't have enough assets to warrant making a will, thinking that wills are only for the rich. Nothing is further from the truth. If you are married or single, if you have children and relatives, you need a will. If you have charitable causes you want to help perpetuate, you need a will. If you own a home, have bank accounts, stocks, or any other kind of property, you need a will.

Having your will prepared by an attorney and executed according to strict guidelines is essential. Several steps are necessary for a will to be legal:

- It should be in writing
- It should be signed by the one creating the will
- It should be acknowledged to be the will of the person who signs it
- It should be dated
- People, who are not beneficiaries of the will, must witness the signature of the one who creates the will; and, they must also sign the will.

What's wrong with my old will?

Check this list of 10 possible changes that occur throughout life. If any of these apply to your situation, your old will is probably out-of-date. Now is the time to keep up with potential changes and amend your will to accommodate them.

1. Births
2. Marriage or divorce – yours or one of your children's
3. Death or incapacity of a named beneficiary in your will
4. Changes in your personal net worth
5. Change of your needs or your beneficiaries' needs
6. Change of residence – do you now live in a different state? Check laws of that state.
7. Changes in the tax law
8. Change of personal representative of your estate or the guardian of your minor children
9. New charitable interest
10. Retirement

What happens if you don't have a will?

Some people believe that it doesn't make any difference whether they have a will or not. Not so. If you don't have a legal will, the state where your residence is (the state in which you live most of the time, vote, and have your driver's license) has one for you. The state legislators, who drafted the laws of "intestacy" (laws for the distribution of the assets of those who die without a will), made general rules that apply to every situation, no matter the personal wishes of the deceased.

Example: Jim, aged 39, is killed in an auto accident, leaving his wife, Betty, and two minor children. He had no will, so under typical state laws, the house and the bank account go to Betty. Betty also gets one-half and the children get one-fourth of stock that was in Jim's name. Betty will have to become the court-appointed conservator of the children and get the court's approval in order to use their shares of Jim's estate for their benefit. The state's plan gives Jim's property to his family, but in a way that makes handling it unnecessarily complicated and expensive. Note that the state ignores any other beneficiaries, even charitable causes Jim may have had in mind.

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