

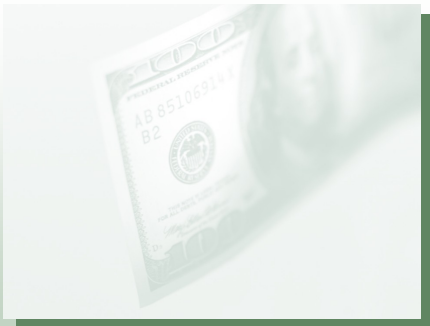
If I have both a Revocable Living Trust and a Financial DPOA, do I still need a will?

Yes. At your death, the trustee continues to have authority over the assets in the trust. However, the trustee has no authority over assets **not** in the trust, and the Financial DPOA terminates at your death. Therefore a will is needed to handle any assets remaining outside your trust at death.

If you have a Revocable Living Trust, we suggest a “pour-over” will, which states that all assets not in the trust and whose disposition is not otherwise provided for, are to “pour-over” into the trust. In this way you assure that after your death, all your assets go to the beneficiaries you have chosen, and not to beneficiaries selected by state law.

Do I need a lawyer to get a Financial DPOA?

We recommend that a qualified attorney prepare your power of attorney document. While there are ‘standard’ forms available both in print and on the internet, it’s always better to have a professional handle legal documents which could significantly affect your future. You can contact your Financial Services Representative or our office for assistance in having power of attorney



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WHAT YOU NEED TO KNOW

Contingency planning is the “what if” scenario. It is a vital part of providing for both yourself and your family in case of unexpected circumstances.

Paying bills and making financial decisions is a big part of daily life. But what if you couldn’t do it for yourself because of illness or disability?

It’s an area where advance planning is definitely in order. How can you make your wishes known and appoint someone to act on your behalf?

This brochure talks about what you can do.

FINANCIAL DURABLE POWER of ATTORNEY



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QUESTIONS AND ANSWERS

● What are some of the terms I need to know to understand powers of attorney?

Power of Attorney—a legal document that delegates legal authority to another

Principal—the person granting the authority

Attorney-in-Fact [or “Agent”]—the person to whom the authority is given

Execute—to sign a legal document such as a power of attorney

Durable—allows the attorney-in-fact to act even if the principal is physically or mentally incapacitated

What does a Financial Durable Power of Attorney actually do?

A Financial Durable Power of Attorney [Financial DPOA] allows you to choose whom you wish to conduct financial activities on your behalf (e.g. paying bills) should the need arise.

Who should have a Financial Durable Power of Attorney?

Everyone! If married, each spouse should have one.

What should I consider when deciding who to name as my power of attorney?

Many married people automatically name their spouse. You should always consider whether the person has the skills to make informed financial decisions on your behalf.

Also, signing a Financial Durable Power of Attorney gives significant authority to the attorney-in-fact.

Prior to naming anyone, *it is important to know the character and capability of the individual, and to understand the powers being given to the attorney-in-fact.*

What is covered by a Financial Durable Power of Attorney?

A **General** Financial DPOA normally involves all financial assets not transferred to a trust.

A **Limited** Financial DPOA authorizes only specific named powers.

When is a Financial DPOA effective?

You can provide for an **immediate** Financial DPOA which authorizes the attorney-in-fact to conduct your financial affairs at any time.

Or you may execute a **springing** Financial DPOA which takes effect only at a future time or event designated in the document.

When might a Durable Financial DPOA be used?

The Power of Attorney may be used in the event of the illness or disability of the Principal; or in legal transactions where the principal cannot be present to sign necessary legal documents. While there is standard Financial DPOA language, you can tailor the document to suit your specific needs.

How long does a Financial DPOA last?

Because it is *durable*, it continues for the life of the principal, unless it is specifically revoked. All authority granted ceases at the death of the principal.

If I have a Revocable Living Trust, do I need a Financial DPOA?

We recommend you have a Financial DPOA even if you have a Revocable Living Trust. The *trustee of a trust has control only of the assets transferred into the trust.* A Financial DPOA authorizes the attorney-in-fact to work with those financial assets outside the trust. Another benefit is that you can **direct** the attorney-in-fact to transfer assets in excess of a dollar amount you name into your Revocable Living Trust so the trustee can manage them.



Nothing contained in this brochure is intended as legal advice. Laws and procedures are constantly changing, are subject to different interpretations, and differ from state to state.

You should ALWAYS consult your personal legal counsel for advice in your specific situation.