Introduction and disclaimer:

The information I am sharing with you today is for general purposes, I am not giving you advice for your personal situation.

For those of you watching the video at home, remember that the laws may have changed since we videotaped this course.

Why should I care?

When we talk about your estate, we're talking about everything that you own. That includes your house, personal property like furniture, jewelry, clothing, or your vehicle. It also includes financial accounts including life insurance policies, bank accounts, retirement accounts, or any other kind of account you own.

Sometimes people wonder why they should care about making an estate plan. If you do not have an estate plan, the state of Colorado has laws in place that dictate what will happen to your estate. This may be what you want and it may not be.

There are two pieces to estate planning. The first are documents that are important because we're in some sort of state of disability or incapacity and we're not able to manage our own finances or tell doctors how we want to be cared for. If you don't have these documents in place, the court might have to appoint someone to manage your finances or make medical decisions for you. That may be who you would have wanted but it may not be.

If you die without creating an estate plan, the state has laws about how property will pass and who will administer your estate. Your estate may go to who you wanted it to go to, and may be managed by who you would have chosen, but it also may not. For instance, a lot of people don't know that if you are married and have adult children when you die, if your assets go through probate and you do not have a will, those assets will get split between your spouse and your children. A lot of people want everything to go to their spouse first. You have to understand that if you don't have these documents that things may not happen the way you want them to.

It's important to say that whatever you care about is fine. The point of having documents is to make sure that, whatever you care about, whatever you value, will happen if you are incapacitated or after you die.

What is an estate plan?

An estate plan is a series of documents that provide instructions and declarations regarding your care if you're incapacitated and includes instructions about how your assets are to be distributed after your death.

There a lot of different estate planning documents, different tools for estate planning, that you might want. Your estate plan could include a will, a trust, a medical power of attorney, other advanced medical directives, a financial power of attorney, or a disposition of last remains declaration. These are all different documents that can help you ensure that your wishes for your estate are honored.

Medical power of attorney

Medical powers of attorney are important documents for many people to have as part of their estate plan. With a medical power of attorney, you are able to appoint an agent and say, “If I can’t make decisions for myself, this is the person that I want to make medical decisions for me.”

In the state of Colorado, medical powers of attorney are used more frequently than living wills. With a medical power of attorney, you appoint an agent who can make all medical decisions for you and could, for instance, make residential decisions for you, moving you to a nursing home or a long-term rehabilitation center if necessary.

If you do not have this document, your family and loved ones may have to go to court and petition to have a guardian appointed. If there is no medical agent you will need a court-appointed guardian.

If you are going to prepare this document on your own, it is important to include a HIPPA release so that your agent can access your medical information.

You can make your agent have very broad power, or very limited power, and you can put specific instructions for your agent in your document.

I recommend that you speak with the person you appoint as your agent and let them know, “I would like you to be my medical agent. These are things that I care about, and here is what I want.”

If something changes and you would like to change or revoke the document, you can do that at any time.

Living wills

You may have heard of a living will. Living wills, like all estate planning documents, are different from state to state. You may have friends or family that live in different states that have been advised to use living wills. It may be a good idea for them, with their situation, but may not be as useful in Colorado.

In Colorado, a living will is a very specific document that only works in two situations. The first situation is if you have a terminal illness and cannot make decisions for yourself. The first situation is if you have a terminal illness and cannot make decisions for yourself. The second situations is if you are in a persistent vegetative state. This document allows you to say, “if I’m in either of these situations I do or do not want artificial hydration, water, nutrition, feeding tubes, I do or do not want artificial respiration, breathing tubes.”

The problem with this document is that it requires doctors to be willing to say, in writing, that this person is either terminal or in a persistent vegetative state. And doctors don’t like to do that because things aren’t always clear to them, and they don’t want to be liable for saying something that then, it turns out, they were incorrect.

Living wills do allow you to give very clear directions about your wishes, which you can also do with a medical power of attorney. You could say, for instance, “If I’m in a persistent vegetative state, don’t keep me on life support.” You can also tell your medical agent that. So, you don’t necessarily need a

living will if you have a medical power of attorney in place, have communicated your wishes to your medical agent, and have a successor agent appointed in case your first agent cannot serve.

Other advanced medical directives

There are other advanced medical directives that you can also have in place. These may be important for some people. Especially as the get older.

Some of these orders deal with CPR, or cardiopulmonary resuscitation, which is used when someone is not breathing and does not have a pulse. As people get older, they may not want CPR done, because it can be difficult to recover from because the chest compressions used with CPR can break bones, for instance.

If you do not want CPR done, you can put advanced medical directives in place. Some of these orders are doctors orders, that are kept in your medical chart at various facilities, and others are ambulatory orders that you can have your doctor fill out and you can take with you.

It is very important that, if you have an ambulatory order, they are placed somewhere that first responders will see them. In your home, first responders will often look on your refrigerator first, or in your car they may look in your glove box. It's important that first responders can find these orders because, as first responders, they have a responsibility to provide care unless directed otherwise.

There's a form in Colorado called the most form. That stands for "Medical Orders for Scope of Treatment." The MOST form is a useful form because it allows you to express your wishes for a number of different kinds of treatment. It goes over CPR, do you want CPR or not, but it also goes over the questions included in the living will such as, do you want artificial hydration and nutrition? The MOST form is a doctor's orders so if you have that form, and have communicated with your doctors about it, they will know exactly what you do and do not want.

If you ever see the acronym AND in a care setting, it means allow natural death. That means that the patient has said, "I don't want any life-saving procedures done to me." It is important to know what AND means so that if you see it in your room, or in a loved ones room, you can ensure that that reflects their wishes.

General power of attorney

Another important document that we use while we are alive and incapacitated is a general power of attorney. The general power of attorney is used for financial matters, like the management of property, money, or bills.

General powers of attorney can be standing or springing. With a standing power of attorney, you can say I want the power of attorney effective immediately. With a springing power of attorney, you can say I want it effective if this things happens. For example, you could have your springing power of attorney effective when you become incapacitated.

Usually, if you trust the person that you are appointing as your agent, it is a good idea to make your power of attorney effective immediately. If you have a springing power of attorney, you have to have a doctor say that you are incapacitated and cannot handle your own finances, and doctors may not want

to do that which could cause delays in getting the power of attorney to work and paying your bills, for instance.

The principal is, you, the person that is creating the document. With a general power of attorney you appoint an agent. You may hear general powers of attorney called durable. A durable power of attorney means that the document will keep working even if you become incapacitated.

If you have a standing power of attorney, effective when you create the document, your agent can step in right away to make financial decisions and manage your affairs. It's important to trust the person that you name because there is a risk of fraud and theft.

With your general power of attorney, you can give your agent broad or limited authority. It may be a good idea to give your agent as broad of power as you feel comfortable. It can be difficult to predict what your agent will need to do to manage your finances if you do become incapacitated. The broader the power you give them, the more likely it is that they will be able to whatever they need to to take care of your finances.

This document, like all documents that help manage incapacitation, is good until you, the principle, dies. As with other estate planning documents, you can revoke this document at any time.

The person you name as your agent under a general power of attorney has a fiduciary responsibility to you. That means that they have a responsibility to manage your finances for your benefit. This means that they cannot commingle assets, by placing your money in their account, for instance, and they have to keep records of what they do. It's important to know what the rules and responsibilities for general powers of attorney are, both for your estate planning and if you serve as an agent for a loved one.

What happens if you don't have a power of attorney?

What happens if there are no powers of attorney? It can be difficult if there are not powers of attorney and there are gray areas because someone has to be clearly incapacitated and in need of protection before a court will appoint a guardian.

If you are incapacitated, your loved ones will need to show the court that you are incapacitated and in need of protection. The court may appoint a guardian to make medical and personal decisions and a conservator to manage finances. If a family member is appointed, they can serve as both your guardian and your conservator. However, if an appointee is not a family member, two different individuals will need to serve as guardian and conservator. This is done to create a system of checks and balances and make sure that your wishes and interests will be attended to.

If you do not have a medical power of attorney identifying your medical agent, there is a somewhat strange process for appointing a medical agent in the state of Colorado. Whoever is at the hospital they ask to get together and choose a proxy decision-maker together. You may want to think about who you would like to make medical decisions for you and whether or not you think that this person would be chosen as the proxy-decision maker among a group of your family. If there is disagreement on who should serve as the proxy decision maker, at that point your loved ones would need to go to court to get a guardian appointed. Again, in either of these situations, the person making medical decisions for you may not be who you would have wanted if you do not have powers of attorney in place.

Making your estate planning documents work

It is important that you tell your loved ones about the estate documents so they can be used when they are needed.

You should also choose people that you trust to act as your medical or financial agents. You may also want to appoint a backup for each person, if you can. You also may want to think about appointing people who are a good fit for the job they will need to do. For instance, medical agents need to be willing to do whatever you would want done even it is difficult to do. Maybe a spouse is not the best person to do that if you're very sick. The person you appoint as your financial agent, or as your personal representative under your will, will be handling your assets. You probably want someone who is honest, fair to everybody, keeps good records, and is organized.

It is a good idea to tell the people that you have nominated and appointed in your documents, "Hey, you're my medical agent, you're my financial agent, you're going to be the PR on my will, and you're going to be the guardian of my children." You probably, also, want to let them know where your estate planning documents are. You can give the agents that you have appointed copies of the documents as soon as you create them but you should, at the least, let them know where they are and make sure they can access them when they need them.

You may also want to speak with the people that you have appointed about what you care about in the management of your care and estate. Different people care about different things so it's important that you communicate with your appointees so they can know what matters to you.

You should also make sure that they have access to important information about the things they will need to manage, like your property or bills for financial appointees. Your financial agent may need to know your account numbers, or need to deed to your house or the title to your car, or know about your monthly income.

It is a good idea to share a copy of your financial power of attorney with your bank. Banks are concerned about fraud so it can be difficult for your agent to work with your bank as your financial power of attorney if your bank does not already have a copy of this document.

Disposition of last remains document:

The disposition of last remains declaration can be really helpful, especially if you have care about what happens and want to do something with your remains that your family does not. In the state of Colorado, you have the right and power to direct how your last remains are going to be disposed.

The law in Colorado provides protection from individuals who may try to impose their wishes on the situation. A disposition of last remains declaration can specify organ and tissue donation, cremation, burial, entombment, and any special instructions that you have.

It is a good idea to keep this document with your medical power of attorney so that this document is accessible when your loved ones need to use it. You should also talk to your loved ones about your plans and wishes, especially if you have already paid for something, and let your loved ones know where

documents are showing that you have paid. This can help relieve some of the stress for your loved ones after you die.

How property passes:

This section covers the nature of property, how you own property, and how property passes after you die. This is something that many people don't understand.

There are three different ways that you can own things, how you won things influences how that property passes after you die. First, you can own something as joint tenants. This is common, especially with houses that owned by spouses. This can also be called joint tenants with rights of survivorship. That means that if one owner dies, the survivor automatically receives the property as a function of property law. For a house, you would just need to take the death certificate to the reporting office and take the deceased person's name off of the deed. You can also own bank accounts or vehicles together as joint tenants.

For real estate, you can also do a real-estate subject to a beneficiary deed. There is a beneficiary deed in Colorado where you can deed your house to someone, record that deed, and that deed only becomes effective upon your death.

You can also own things through contract law. That includes life insurance policies, retirement policies. With this policies you are asked to name a beneficiary, to say you gets the account in the event of your death. With a bank account, you can also go to your bank and ask to have your account set up as a pay on death account. With a pay on death account, or a beneficiary designation, you are creating a contract with the financial institution in which they have agreed to give the account to the designated beneficiary when you die.

If you own something as a joint tenant, or have set up a beneficiary designation or pay-on-death account, it is not a probate asset. Anything that does not follow into either of those two categories is a probate asset and your will, if you have one, will impact those assets.

How do I own things:

How do you own the things you own? You can own something as a sole owner, which means that you own it by yourself. For instance, you could have just your name on a bank account, or a vehicle, or on your phone. During my life I can sell that asset or I can give it away. With a Habitat home you have to remember that there are restrictions on sales so, if you would like to sell your home, you just need to make sure you understand those restrictions.

If you own something, if it is just yours, it may not be a good idea to add other people to the ownership of that item. Sometimes people add individuals to their account, on the deed to their house, to try to get around probate. However, the problem with that, is that if you add individuals to the ownership, they are now the owners. They could take that asset, or maybe they get divorced and that asset gets counted in their divorce. It's important to understand that, especially if you are trying to do things simply. For instance, if you want your child to be able to write checks for you, you don't need to give them

ownership of the account. You can simply ask the bank to make them a signatory on your account. This allows your child, or another loved one, to write checks for you but that money is not theirs. You should also keep in mind that if you do give ownership to someone else that is considered a gift and there is a gift tax in the United States. If you give a person a gift that is worth more than $14,000 that could be subject to a gift tax.

Again, if the things that you own on your own have beneficiary designations or pay on death designations, these things won't go through probate. It's important to keep those forms up to date. The agreements you make with financial institutions for beneficiaries is a contract and falls under contract law, which means that they do not care what your will says. So, if your will and your beneficiary disagree about who that account should go to, the financial institution will honor the contract you made with them. This is why it's important to keep these forms up to date if you decide you would like to change who your account goes to.

You can also own something together with someone, as joint tenants with rights of survivorship. As joint tenants, you each own 100% of the property. If one of the owners dies, the other gets it in its entirety. Together, as joint tenants, during life the owners could gift things or sell things. When the last owner dies, then the property would transfer through probate.

You can own something together with someone not as joints tenants, but with tenancy in common. This is common with siblings, or parent-child relationships, when owning a home, for instance. With joint tenancy each owner owns only a portion of the property. For instance, if there are two joints tenants they would both own half of the property. If one of the joint tenants dies, they get to say what happens with their portion of the property. This means that their portion of the property does not automatically go to the other joint tenant owner.

Will:

A will is a document that provides for the distribution of your estate when you're deceased, including your wishes or your minor children, if you have minor children. You will also nominates a personal representative, which is called a PR. Some states call PRs executives, so you may have heard that term. Your personal representative is the person that is going to be in charge of your estate after your death. It's a good idea to let your PR know that you have nominated them in your will and let them know where your will is.

If you have an original copy of the will with an original signature, in Colorado, you can do an informal probate. Informal probate is much easier, simpler, and cheaper than doing formal probate with a copy of the will. The will is, really, the only estate planning document where it is important to have the original.

If you do not have a will, then the intestacy laws for the state of Colorado will apply to your estate. These laws can change over time. Typically, family members are the ones who are going to receive your assets if you do not have a will. That may be what you want, that may work for you, and you may not need a will. If you do not have a family, at all, and the court cannot find your family, than your property may go to the state. This is called a sheet (?). Some people are concerned that if they do not have estate

planning documents in place that their stuff will go to the state. However, your stuff will only go to the state if intestacy laws cannot find anyone to give your property to.

It is important to keep in mind that if you have a spouse that, if you do not have wills, they may not receive all your property. If you have everything set up as joint tenants, you may not have to worry about this. However, if you have a lot of things that you own by yourself and you have adult children, your adult children will likely take a share under intestacy law. Similarly, if you have living parents they can receive a share of that property as well. If that is not what you want, it is a good idea to have a will.

It is important to know that all states prohibit the disinheritance of a spouse. If you do not want your spouse to inherit your property, you will need to consider getting a divorce. Otherwise, your spouse will get a portion of your property, even if you do not indicate so in your will. Both your spouse and your dependent children have a right to a portion of your cash or property with our without a will.

In Colorado, you have to have a written will. You cannot do a video will, for instance. You can either handwrite your will or have a full typed will. With your will, it is important that you make it clear that you mean for this to be your will. You could do this, by instance, saying “This is my will,” at the top of your will. For it to be a will, you want it to give away things and you want it to assign someone to administer your estate, and designate a guardian and a conservator if you have minor children. Although you can do a separate writing to nominate a guardian. If your will is handwritten, it has to be all handwritten, and should be signed and dated.

You can also have a typed will, this is typically what lawyers do for their clients. This will can be typed, it can witnesses, and it can be notarized. With a lawyer, you can do an execution ceremony. With an execution ceremony, everyone signs the will, initials it, it is notarized, and admitted to probate. A will that is done in this way is hard to fight in probate because all of the formalities were done, so the court assumes that the will reflects what the individual really wanted it. In Colorado, your will does not have to have witnesses or be notarized, but this can help.

Guardian:

We’re going to talk about guardians for a minute. If you have a child and you die, and your child has another legal parent, that other parent will have guardianship of a kid. However, if you die and your child does not have another legal parent, or if both legal parents are dead, than that minor child needs to have a guardian.

Before deciding who you would like to nominate to serve as a guardian for your minor children, it is a good idea to talk to this individual. You want to know if they agree to this responsibility. You also may want to consider, if they have children, if your children will get along with theirs? You want to think about whether your children will create a burden for that person, and if the guardian may need additional resources to care for your children. You estate plan should provide the guardian with the resources they need to have sufficient space in their home, for instance, to care for your children.

Finally, there are a lot of situations where your original guardians are no longer able to serve. This is one reason why it may be a good idea to have a backup, or an alternate.

If you don't have guardianship set up, either through a guardianship nomination or through your will, the court will have to appoint someone to serve as a guardian. Again, this may be who you wanted to serve, or it may not be.

Trust

In Colorado, a trust may not be necessary. In other states, where probate is expensive and complicated, and individuals may use trusts to get avoid going through probate.

However, in Colorado, there is a simplified, inexpensive probate process. Additionally, we have probate clinics at courts and most people, if it is a simple estate, can figure it out.

A trust can be a confusing legal tool. If you set up a trust, you set up a trust agreement, a big written agreement. The person who creates the trust and puts property into the trust is called the settlor or the grantor. You can establish a trust during your lifetime, or you can establish a trust in your will. For instance, if you wanted to have instructions in your will to create a trust for your minor child who cannot own property.

When you create a trust, you need to put property into the trust, and designate someone to manage the trust if you are not able to, this person is called the trustee.

Trusts are a good tool for a lot of situations. Trusts can be used for special needs planning, for individuals with disabilities, and can also be used to manage assets for minor children without court involvement.

You can either have a revocable trust or an irrevocable trust. Usually, individuals make a revocable trust that they can change during their lifetime and which becomes irrevocable upon their death. Sometimes, for very specific reasons, you may create a trust that is irrevocable once it is created.

There are many things that you can do with a trust. If you think you may need a trust, you will likely need to have an attorney help you create a trust.

When you create a trust, and place property in a trust, you do not open the property outright. Instead, it is owned by the trust. You fund the trust by, for instance, changing the owner on deeds to real estate, car titles, and bank accounts.

How does the probate process work?

The probate process is a process that you use to appoint a personal representative for your estate, pay any creditors you may have, and distribute your remaining property after you die.

In probate, you take the will to court. If the court accepts the will, they name the individual name in the will as a personal representative. If there is no will, someone can ask to be named as the personal representative because they have standing under the law. Then the court issues letters, orders, and different things. At this point, the personal representatives goes and finishes the administration piece. The personal representative would only need to go back to court if they need something, for instance a

judge's input, of if there is a disagreement. Usually, Colorado probate is simple, inexpensive, and administrative.

If you own property in another state, real property like land or a house, you will have to do an ancillary probate in another state. That may be another reason to create trust, to put out of state property in, and avoid an ancillary proceeding.

Remember, probate happens whether or not there is a will. If you have assets, they have to go through probate.

If you own everything through joint tenancy, if one owner dies, then you do not need to go through probate, the surviving owner will simply receive that property.

However, if you own things by yourself then your family or loved ones will need to go through probate to have your assets distributed.

You have to go through probate if you own assets with a value of $66,000 or more and that number changes.

There is a small estate affidavit in Colorado. This is useful if someone has no real estate, or they passed their real estate another way, and if they don't have assets worth $66,000 or more. You can do this affidavit, take it to court, and take care of things simply without going through probate.

Quiz on probate:

Which assets require probate to transfer?

1. A car jointly title with the spouse?
    a. No, the spouse can take the death certificate to the DMV and have the vehicle retitled to just their name.
2. A bank account with a sole owner.
    a. Yes, that requires probate.
3. A bank account with a sole owner that has a pay-on-death designation, does that have to go through probate?
    a. No, that person just needs to go to the bank with a copy of the death certificate. The bank will just process this.
4. Bank account owned jointly with daughter, does that go through probate?
    a. No, the daughter as the surviving owner just takes the account.
5. House owned as tenants in common with spouse, does that have to go through probate?
    a. Yes, when you won something as tenants in common you only own a portion. If one owner dies, their portion of the property has to go through probate.
6. Boat with one owner, does that go through probate?
    a. Yes
7. IRA retirement account with a beneficiary designation of the spouse, does that go through probate?

    a. No, all you need to do is go the financial institution that that IRA is with, give them a copy of the death certificate, fill out some paperwork, and it automatically gets processed.
8. Stock account transfer on death designation to adult children, does that go through probate?
    a. No, again it works like a pay on death with a bank account.
9. Annuity, sole owner, no beneficiary designation, will that need to go through probate?
    a. Yes, if there's any kind of survivor benefit with that annuity it's going to have to go through probate to get to the people that it needs to get to.
10. Life insurance policy with a beneficiary designation form listing as beneficiary first to my spouse, then to my adult children. Will that go through probate?
    a. That will not go through probate. That's a contract with that entity, so that life insurance company will just pay that out to my spouse if they are alive, or to my adult children.

Estate debts:

In Colorado, during the probate process, after a personal representative is appointed, they put a notice in the newspaper. With this notice, the personal representative lets any creditors know that they are administering your estate and if they have bills they should submit them. After this notice is sent out, creditors have four months to submit bills. After four months have passed, and you have payed all debts that you know about, you do not have to worry about any more creditors coming to say that they are owed money by the estate. It is important to know that both state and federal tax bills are not subject to this four month window, the estate can be charged for outstanding tax bills at any time.

So, after a PR is appointed, they have to pay off any outstanding debts they know about. They might have to liquidate property to pay these debts off. Legal fees are paid first, if there is a lawyer involved. This helps make sure that the process moves along. Additionally, funeral expenses, administrative costs, final medical bills, and taxes are paid.

It is important to know that you probably do not have to worry about estate taxes, what some people call death taxes. With the recent changes to the lax laws, I believe that you have to have more than eleven million dollars, as a single person, and twenty-two million dollars as a married couple.

Next, secured debts, such as your mortgage which is secured against your house, or your car loan, which is secured against your car, are paid. If you do not have enough money to pay those debts, your PR will likely have to sell the property to pay those debts. After secured debts are paid, unsecured debts such as general debt, medical bills, utility bills, or credit cards, are paid. After all those bills are paid, your PR could start making distributions.

That is something that it is important to understand. After someone dies, a lot of the time, people want to know what they will receive from the estate. However, you will not know how much you will receive until all debts are paid off.

A benefit to the probate process is that it can bar most creditors from making a claim on a deceased person's estate if they do not submit the claim in time.

Beneficiary Designations:

1. What is the impact of divorce on beneficiary designations and wills?
    a. With documents like wills or power of documents, typically they will take the divorce into account. For instance, the power of attorney will not work for your ex-spouse and your ex-spouse will not benefit from your estate if you left everything to them. They are going to go and see what else you said, to try and get a sense of your intentions. It is still a good idea, however, to get these documents redone, revoke them, or make amendments after your divorce to ensure that your intentions are clear. Beneficiary designations, pay on death accounts, and joint tenancy will still be honored after you divorce. This is because you own these items through contract law, not property law. With these types of assets you need to update the forms if have previously named your spouse as a beneficiary and do not want them to receive the benefit after your divorce.
2. When is it appropriate to have backup beneficiary designations? What about backup agents or personal representatives?
    a. It is always a good idea to have a backup, if you can. Unexpected things happen in life. It may be difficult to think about, but you should ask yourself, what do I want to happen to my things if I my spouse and I die at the same time, for instance. It is always a good idea to have contingencies, backup plans, if you possibly can.
3. What happens if one of my beneficiaries has died?
    a. It depends on the document and how it was drafted. A lot of the time, if a lawyer is drafting a will, for instance, they might include language like “property will go to my children or their descendants.” Sometimes assets go to the descendants of the individual and sometimes they go to whoever you elected as a backup.
4. What happens if a beneficiary cannot be found?
    a. This happens a fair amount. The state requires that you make a reasonable effort to find people, and if they cannot find them, you move on. The state does not hold the personal representative responsible for finding the beneficiary after they have made a good faith reasonable effort.

Final quiz:

1. Sue can verbally tell her daughter, Kate, where her property should go when she dies. This is a valid will in Colorado. True or false?
    a. False, wills cannot be verbal.
2. Bill is a Habitat homeowner. Bill cannot make a will stating who receives his house when he dies. True or false.
    a. False, Bill can make a will, he can give away his house. Habitat homeowners do have resale restrictions but that does not apply to inheritance. Now, if Bill still has a mortgage, or other debts to be paid, and his personal representative has to sell the house to pay off the debts, that is when the resale restrictions would come into effect.
3. The names Mary and Joe are both on the title to a car titled in Colorado. Mary dies, Joe automatically receives the car after her death.
    a. True, Joe would just need to take the death certificate and have the car retitled in just his name.

4. Juan and Patricia are husband and wife. Juan was in a bad car accident and is unconscious. He does not have any powers of attorney. Patty can sign Juan's name on financial and medical documents because she is his wife. True or false?
    a. False, a lot of people think that if you are married you automatically have access to your spouse's financial and medical records. However, with HIPAA and privacy laws, you do not. Patricia would have to go to court and request to be made his conservator and guardian to make these decisions.
5. The deed to Mary and Joe's house states that they own the house as joint tenants with rights of survivorship. Mary dies first. Mary's will can designate who receives the house.
    a. False. Mary can say in her will who should would like the house to go to however, it will go to her husband, the other joint tenant, if she dies. After Joe dies, the house would then go through probate.

Resources:

A lot of people cannot necessarily afford lawyers. Although it can sometimes result in complications if you do draft these documents yourself, there are resources that you can use to create an estate plan.

There are self-help centers at the probate court offices. Typically probate is something that you can get a lot of help with and do it yourself. There is also a statutory general power of attorney for financial and property in the Colorado Revised Statutes that you can fill out.

For health care decisions, there's information at coloradoadvanceddirectives.com. This website has a nice pamphlet, walks you through the different types of medical forms you may want to use, and has a form medical power of attorney that you can fill out and sign with our without witnesses or a notary.

There's a non-profit in Boulder called the Conversation Project and they have a starter kit with some really wonderful questions. For instance, on a scale of one to five, "How much information do you want to know about your medical situation?" Do you want to know everything? Or do you want to know nothing?" These questions can help you figure out what you care about and help you communicate your wishes with your loved ones or agents.

The American Bar Association has a healthcare decision making toolkit, as well.

The Colorado funeral consumer has a lot of great information. They also have forms, you can sign up as a member, like I said, and get deals at certain facilities, if your family needs to get you cremated.

And then there are some low-cost legal resources. On the web, the Colorado Bar Association has a 40-page pamphlet. On the Colorado Bar Association website there are also brochures about the different types of estate planning documents, information about legal clinics, and a "find a lawyer" tool if you want to work with a lawyer to prepare these documents.

Legal Night at Mi Casa has a legal clinic where you can go and talk to someone. Metro volunteer lawyers works in Denver, while Colorado Legal Services works throughout the state. For people that meet certain income guidelines, these organizations will help for no fee or very reduced fees in certain situations. For senior, you can typically receive legal aid regardless of your income. Both Denver Law School and the University of Colorado Law School have legal clinics which can offer you help and give

the students an opportunity to learn. Then there's also the Colorado Women's Bar Association which offers events.

At the senior law day events you can go and have one-on-one with an attorney for fifteen minutes. The There are also senior law classes offered at a low, suggested, donation. Finally, there is a senior law handbook that talks about all kinds of things that are related to these topics. It talks about will, and trusts, and powers of attorney, conservation, guardianship. It also talks about a lot of other things like Medicare and Medicaid, and a few situations. This book is available online for free.