

SENIOR INFORMATION & ASSISTANCE

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Common Legal Documents

Will

A Will is a legal document in which a person makes certain requests to distribute property in a manner within the requirements of the law.

Many people think that only the wealthy leave estates. This is not true. A car, interest on a house, personal goods and effects, and cash in a bank are all part of a person's estate. If you die without executing a Will, or Community Property Agreement, your property will be distributed as directed by state law. If you have no living family, your property will go to the State.

Living Will (Directive to Physicians)

A Living Will is a written directive instructing your doctors when you want them to stop life-sustaining medical treatment and let you die. It can take effect only if you are terminally ill and will die soon, so that life-sustaining procedures would only prolong the process of dying, or if you are in a permanent unconscious condition. Procedures needed to ease pain are **not** affected by a Living Will (treatment may be given to ease pain).

Community Property Agreement

A Community Property Agreement is a contract between a husband and wife designating which of their property is owned separately and which is owned together. A Community Property Agreement can also provide for the distribution of the property upon the death of the first spouse.

A Community Property Agreement can be revoked only by a notarized written document signed by marriage partners, unless the original agreement provides for some other method of revocation.

Power of Attorney

A Power of Attorney (POA) is a grant from one legally competent person (called the "**principal**") to another (called the "**attorney-in-fact**") to act on behalf of the principal.

The "power" may be **limited** or **special**, that is, designed for a limited, specific purpose. For example, a married person who will be out-of-state when a sale closes may give his or her spouse a **limited** Power of Attorney to sign all closing documents for both of them.

The power may also be **general**. General power gives the attorney-in-fact all the powers that the principal has, however it does not include certain general powers of attorney unless you specifically mention them. Most generic over-the-counter forms do not include the following extra powers:

- The power to make gifts of the principal's property
- The power to designate beneficiaries of the principal's life insurance policies
- The power to change the principal's will or community property agreement

You should consult legal advice before granting such extra powers.

More information on these topics may also be found online at www.washingtonlawhelp.org.