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5 Reasons Why You DON'T Need a Will

By: Attorney Jonathan A. Wetmore

For most people, making a will is prioritized on the 'to do' list somewhere between organizing your sock drawer and scheduling an appointment for a root canal. After all, who wants to ponder their own death and misfortune? Making a will is that nagging chore that never gets done. You say, "I'll make a will next week". Unfortunately, 'next week' always comes and goes and you still do not have a will. Well, not to worry. Making a will is not that nagging chore you thought it was. In fact, a will is a waste of time and here are 5 reasons why:

1. The Court is better suited to appoint your child's guardian than you are.

What?! If you do not have a will appointing a legal guardian of your child, then the Court will appoint a guardian. Your child's care and custody may reside in the hands of a complete stranger. You can appoint a guardian for your child...if you had a will.

2. Your 12 year old child will manage his or her inheritance responsibly.

Are you crazy?! When you die intestate (without a will), the assets of your estate are transferred via the laws of intestacy. In layman's terms, the law outlines who inherits your estate. If you pass away leaving your child parentless, then your estate transfers to your child. In your will you can appoint a guardian of your child and place your child's inheritance in trust. You can also appoint a trustee to manage your child's inheritance to ensure that your child does not spend his or her college fund on the latest fad and trends.

3. I do not care who makes my medical decisions if I am incapacitated.

Remember the Terri Schiavo case? Terri was in a vegetative state and her family fought amongst themselves for seven years about whether she should continue on life support. The case required 14 appeals, five suits in federal district court, four denials of certiorari from the Supreme Court of the United States, federal legislation and a subpoena by a congressional committee to qualify Mrs. Schiavo for witness protection. Whether or not Terri suffered during that time is debated to this day. What is not debatable is the amount of pain, anguish and suffering her family endured.

The entire Schiavo case could have been avoided with one document: A Living Will. A living will outlines how much artificial life support you wish to receive if you fall into an

irreversible coma or persistent vegetative state and outlines very specific directives for medical care. In addition, a living will appoints a health care agent to make medical decisions on your behalf if you are unable to make those decisions yourself.

4. I do not want my spouse to inherit my entire estate.

Under Connecticut law, a surviving spouse does not necessarily receive 100% of your estate. Your entire estate will only pass to your surviving spouse if you are not survived by either of your parents and you also do not have any surviving issue (i.e. children, grandchildren, etc...). Depending on your situation, your estate may even be transferred to the State of Connecticut!

A will directs how your estate is distributed. For example, you can leave your entire estate to your spouse or you can even ensure that certain individuals do not receive anything.

5. My peace of mind is not worth one hour of my time.

Who has the time to take one hour out of their busy schedule to meet a lawyer, sign a will and have peace of mind for the rest of their life? The answer to that question is simple: Everyone. Making a will and a living will does not take an abundance of time. Knowing that a trusted and capable person will make your medical decisions and that your estate will transfer to your family and loved ones in accordance with your wishes will give you peace of mind. That peace of mind is certainly worth an hour of time.

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