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Your rock in a hard place

Legal Definitions

Attorney-in-Fact: The person nominated in a Power of Attorney to make legal and financial decisions for the Principal, such as paying bills or managing investments. The Attorney-in-Fact should be someone who is responsible and trustworthy with money.

Estate: All the money and property owned by a person at the time of their death along with that persons debts and liabilities.

Health Care Directive (HCD): A written, legal document that designates a person to make health care decisions and states the wishes of an individual regarding lifesaving procedures in the event of a terminal illness or injury. This document is utilized when an individual is no longer able to make decisions on their own. It may also lay out other personal wishes and directions for end of life processes such as organ donation, cremation vs. burial, and funeral arrangements.

Health Care Agent: The person appointed in a Health Care Directive who makes health care-related decisions for an incapacitated person. The Health Care Agent may access medical records, speak with medical staff and make medical decisions. This should be someone who understands and is committed to following your wishes in regards to traumatic injury, terminal illness or life-sustaining treatment.

Personal Representative: The person nominated in a Will and appointed by the Probate Court to be responsible for administering a person's estate after they pass away.

Power of Attorney (POA): A written, legal document that states who has the authority to act for another person in regards to legal or financial matters. This document is often written to be "durable", which means that it continues to be in effect while the person is incapacitated.

Probate: A legal process where a Will is recognized by a court, a Personal Representative is appointed, and a deceased person's heirs are identified.

Trust: This is a legal arrangement where property is given my one person, the grantor, to be held by a person or entity, the trustee, for the benefit of a person or charity, the beneficiary. By establishing a Trust, a person may avoid probate and direct the treatment of their assets both during life and after death.

Will: A written, legal document that states who should manage their Estate (the Personal Representative) and who should receive their possessions and assets after they die. This document acts as a roadmap of a person's wishes throughout the probate process.

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