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FIDUCIARIES WORKSHEET

Personal Representative – Formerly known as your ‘Executor’, your Personal Representative is the person(s) appointed under your **Last Will and Testament** to identify, value and collect your probate assets, file for probate with the court, oversee the payment of debts and taxes and manage the distribution of your probate assets after your death. Your Personal Representative should be fiscally responsible, communicative, organized, honest and trustworthy. The appointment of at least one “back-up” or successor Personal Representative is recommended.

I think the following people would be good Personal Representatives:

Attorney-in-Fact – The person(s) appointed under your **Durable Power of Attorney** to manage your financial affairs if you experience a period of incapacity during your lifetime. You may grant your attorney-in fact some or all of the following powers: the power to withdraw funds from any bank or investment account, to transfer assets into or out of a trust, to sell or mortgage real estate, to take distributions from retirement accounts and change the beneficiaries of your accounts, to amend your revocable trust and to make gifts of your assets. Your attorney-in-fact should be fiscally responsible, communicative, organized, honest and trustworthy. The appointment of at least one “back-up” or alternate attorney-in-fact is recommended.

I think the following people would be good Attorneys-in-Fact:

Health Care Agent – The person appointed under your **Health Care Proxy** to make health care decisions for you if you are unable to do so. This person would speak with your doctor, and make decisions about your medical treatment, including whether you will be cared for in your home or in a nursing home, based on what you would want. Your health care agent should be someone with whom you can discuss your health care wishes and who you believe will follow those wishes. The appointment of at least one “back-up” or alternate health care agent is recommended.

I think the following people would be good Health Care Agents:

HIPAA Agent – The person(s) listed in your **HIPAA Authorization** who may obtain your personal medical information and communicate with your medical providers.

I think the following people should be able to obtain my medical information:

Trustee – The person appointed under your **Trust** to manage trust assets while you are alive, and at your death, pay expenses (such as income taxes), work with your Personal Representative, manage Trust assets, make decisions about distributions to Trust beneficiaries, and account to the Trust beneficiaries regarding such actions. Your Trustee should be fiscally responsible, communicative, organized, honest and trustworthy. Your Trustee may be a person, professional fiduciary (attorney or accountant) or corporate fiduciary (bank).

Depending on the type of Trust you create, you will most likely be the Trustee while you are alive. If you are incapacitated or deceased your successor Trustee will serve in your place (or if you are married a successor Trustee will serve upon the incapacity or death of your Co-Trustee spouse).

I think the following people would be good Trustees:

If you have minor or incapacitated children:

Guardian – The person named in your **Last Will and Testament** to have custody of your minor or incapacitated children following your death, or if you are married following the death of you and your spouse. Your Guardian has the authority to make all decisions regarding the care of your minor or incapacitated children upon appointment by the probate court, including residence, education and religious upbringing.

Conservator – The person named in your **Last Will and Testament** who will have authority over your minor child's financial assets upon appointment by the probate court. This will not include assets you leave to your children by way of a trust; trust assets will be controlled by the person you name as Trustee.

Note that you are not required to name the same person to serve in both of these roles, although many people choose to do so.

I think the following people would be good Guardians/Conservators:
