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THE IMPORTANCE OF PLANNING FOR YOUR INCAPACITY

When creating their estate plan, many people focus on death and overlook planning for their incapacity. This lack of planning can create undesirable and possibly tragic consequences.

LOSING TIME, MONEY, AND CONTROL DURING INCAPACITY

Mental incapacity caused by an injury or illness means you will be unable to make informed decisions about your finances and well-being. **Without a comprehensive incapacity plan in place, a judge must appoint someone to take control** of your assets and make all personal and medical decisions for you through a court-supervised guardianship or conservatorship (often called “incapacity probate”). You and your loved ones could lose valuable time, money, privacy and control until you either regain capacity or die.

- Incapacity probate is around five times more expensive than death probate.
- Your health and finances become public record.
- The result of the court process may not be what you would have wanted.

MAJOR PITFALL: JOINT OWNERSHIP

You may believe you are protected if you become incapacitated because you hold your assets in joint names with your spouse, a child, or another family member. While a joint account holder may be able to access your bank account to pay bills, **a joint owner of real estate will not be able to mortgage or sell the property without the consent of all other owners.** Additionally, adding anyone except for your spouse to your accounts or real estate titles may be deemed a gift for gift tax purposes. Also, if a joint owner is sued, **your property could be seized** as part of a judgment entered against them. **Joint ownership is risky and unreliable.**

THE SOLUTION: A COMPREHENSIVE ESTATE PLAN

A robust estate plan will protect your privacy, free you from court interference, help you protect and manage your assets, save you money on taxes, and enable you to name the people you trust the most to act on your behalf.



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- Attend one of our Estate Planning 101 classes. Call our office at **303-984-9900** or visit our website: **www.ColoradoEstatePlanning.org** for the upcoming class schedule.

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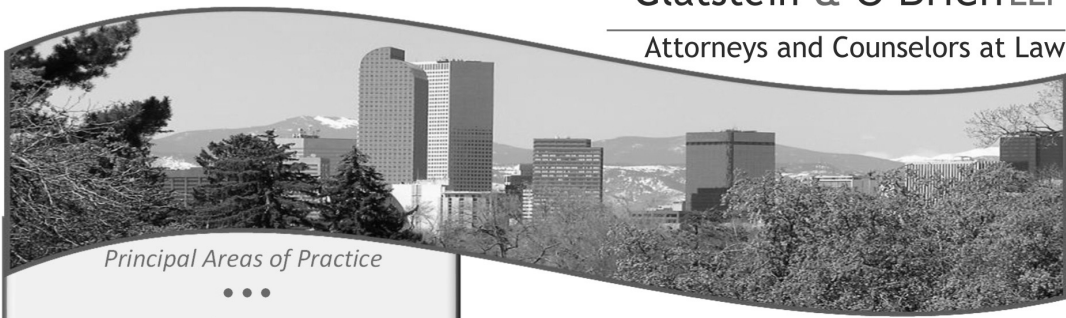
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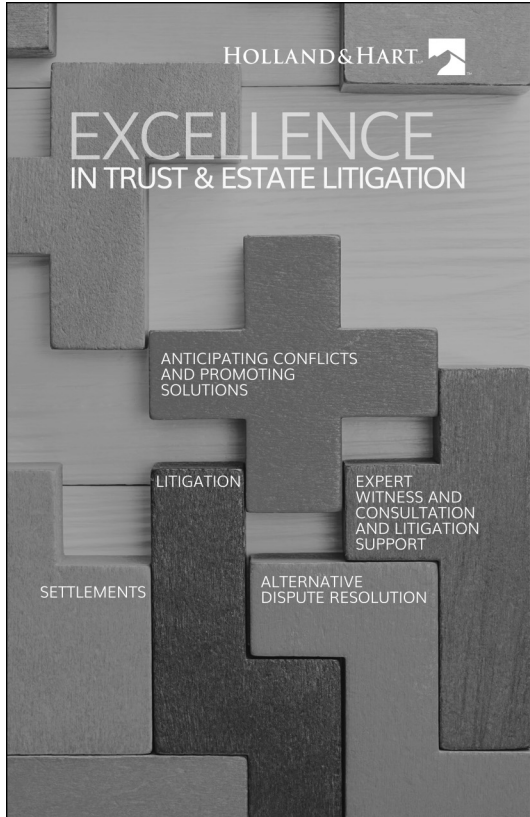


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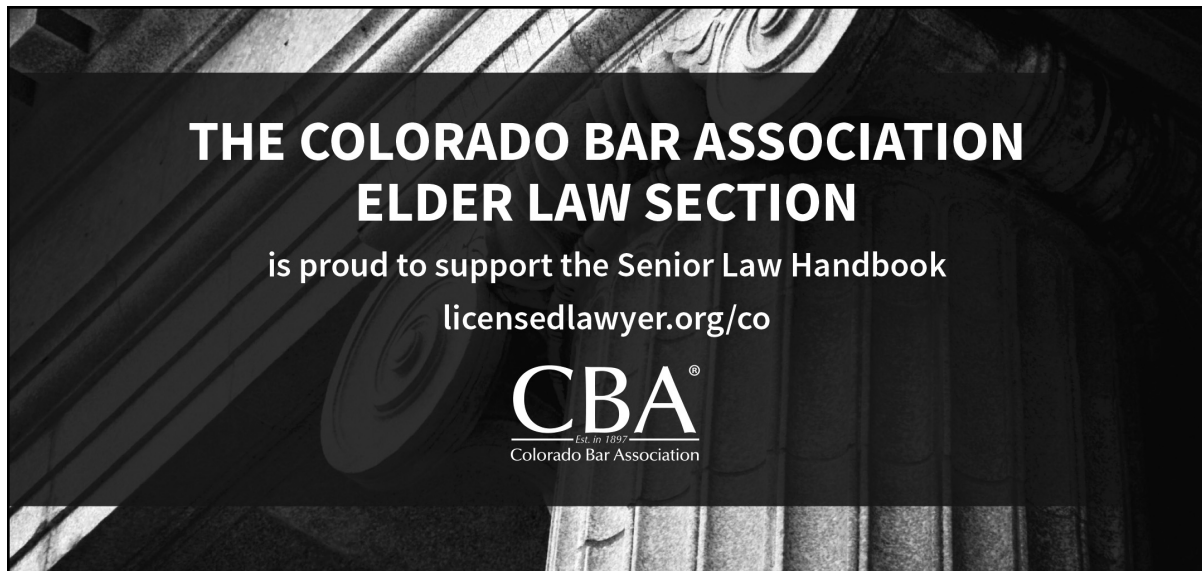
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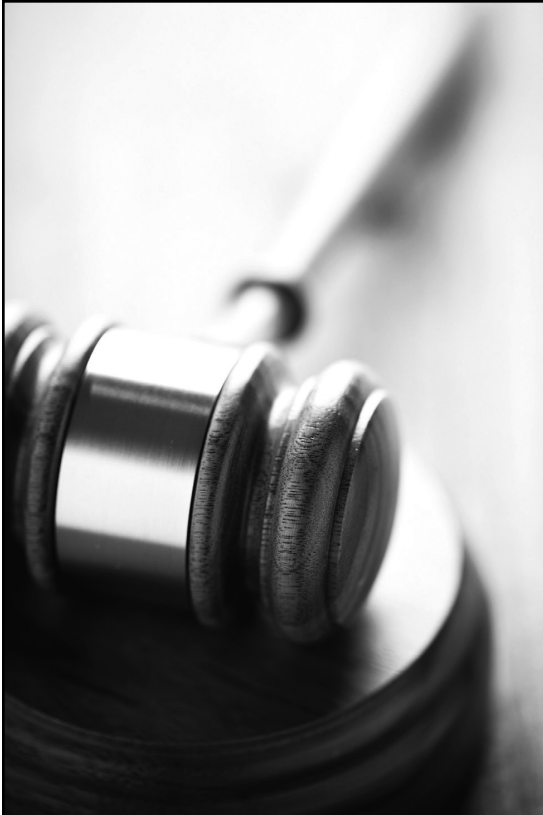
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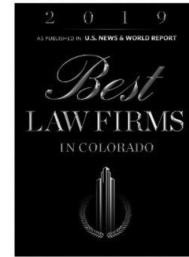
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