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Getting Your Affairs In Order

We are always encouraging friends and clients to “be prepared.” Naturally, we mean that your estate planning documents should be complete and fully executed, that your plan should be reviewed periodically and that your agents on the health care proxy and power of attorney should be advised of your wishes in the event that they must step into your shoes and manage your affairs or make end-of-life choices for you.

The National Institute on Aging (“NIA”) has some additional suggestions. It recommends that you put your important papers and copies of your legal documents in one place. If you are a client of Berwitz & DiTata LLP, we provide you with a binder that should hold your documents, but you can use a file folder or drawer to hold related documents. We believe that these include: life and long term care insurance policies, beneficiary designations, deeds to the cemetery plot, a listing of all bank and investment accounts, etc.

The NIA suggests that you tell a trusted family member or friend where it is that you have placed your important documents. There is no need to tell this person about your affairs, but someone should know where you keep the papers in case of an emergency. Some people suggest giving copies of your documents to your agents. Remember, however, that you can change your wishes at any time during your life. If you have given the documents to the agents, getting them back may create a “document management” problem. If you have changed an agent, how do you deliver this news without alienating that person? What if the agent put the copy of your former document in a “really good place” but now can’t find it? It is a good idea to give a copy of your most recent health care proxy to your primary care physician and any other doctors whom you see regularly. If you change your proxy, supply the doctors with the updated form. Also, give your agent(s) access to your documents by telling them where to locate the documents.

Finally, the NIA recommends that you give consent, in advance, for your doctor or lawyer to talk with your caregiver as needed. You can give your lawyer instructions about providing copies of the documents. This way, if there are questions about you or your health care or property management, the right people will be privy to the right answers.