

# My Estate Planning Tool Kit



**Stories to Guide Your Estate Planning Strategy  
And Useful Forms You Can Adapt to  
Your Personal Needs**

*A Custom Edition for the Country of Mauritius*

Aloha, Namaste and thank you for requesting Hindu Heritage Endowment's Estate Planning Tool Toolkit. You will feel a great sense of satisfaction and relief when your Will and/or Trust is completed. This toolkit will help you take the first steps toward that goal. It includes:

- **Basic estate planning information from the American Bar Association**
- **An Estate Planning Inventory Form to organize information before you visit your attorney**
- **Values Planning: Questions to Ask before You Plan Your Estate**
- **How to Remember the Hindu Heritage Endowment in Your Will**

This toolkit also offers a practical guide to many non-legal issues including your wishes regarding final arrangements, and a list of where important documents are kept. The Hindu Heritage Endowment wants you and all its donors to have effective estate plans: Wills and/or Trusts that are properly worded, signed, witnessed, and not contradicted by other binding arrangements you may have made and practical instructions from you that will help your family get through a difficult time.

Effective estate planning usually takes time, effort and a good attorney. But in the end your plan will allow your family to avoid the delay, dissension and needless expense that often occurs when a loved one dies without a Will.

Once you have taken care of your family's needs, please consider a thoughtful bequest to Hindu Heritage Endowment. Your gift allows you to help preserve the rich heritage of Hindu thought, practice and culture for future generations.

**If you have any questions about the enclosed, please call our planned giving specialist Phil Murphy at (415) 457-7482**

**MISSION STATEMENT:** Hindu Heritage Endowment is a publicly supported, charitable organization recognized as tax exempt by the IRS on April 22, 1994. Employer ID 99-0308924. Founded by Satguru Sivaya Subramuniyaswami, its philanthropic mission is to provide secure, professionally managed financial support for institutions and religious leaders of all lineages of Sanatana Dharma.

**PROFESSIONAL ADVISORS:** Halbert, Hargrove/Russell, Investment Counsel; Sonoda & Isara, LLP, CPA; Phil Murphy, Planned Giving Specialist. HHE is a member of the Council on Foundations, an association of more than 2,000 foundations which interprets relevant law and management and investment principles, and of the National Committee on Planned Giving, the voice and professional resource for the gift planning community.

For information on estate-planning tools, contact Swami Shanmuganatha at 808-822-3012 extension 244.



**HINDU HERITAGE ENDOWMENT**

KAUAI'S HINDU MONASTERY, 107 Kaholalele Road, Kapaa, Hawaii, 96746-9304 USA  
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## ESTATE INVENTORY FORM

This form is not as bad as it looks, and it could save you and your attorney valuable time. By filling out this form and bringing it to your first appointment, you will be providing your attorney with much of the information needed to draft an estate plan.

We may spend many hours planning a small trip of a few days, deciding what to wear, what gifts we will take, planning out travel schedules and so on, but how many of us have formulated a careful plan for our final journey, the greatest one of all?

Depending upon the laws in your country, it is wise to seek proper legal advice in creating your will and keeping it current. However, even before you seek professional advice, you can save time and money by thinking through the basics of your will. A good approach is to write down the four P's of estate planning:

- **Persons.** who are the people and charitable interests for whom you would like to provide?
- **Property.** List all of your property, in whatever form, along with its cost and today's value. This includes personal property, such as stocks, bonds, automobiles and jewelry, as well as land and homes.
- **Plans.** Consider how you would like to "match" your property with the persons in your life.
- **Planners.** List all professional advisors who can assist you in making your plans a reality.

1. Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Phone (Work) \_\_\_\_\_ (Home) \_\_\_\_\_

Place and Date of Birth \_\_\_\_\_

Single?  Married?  Widowed?  Separated?  Divorced?

2. Spouse \_\_\_\_\_

Place and Date of Birth \_\_\_\_\_

3. Children

Age

Address

(A) \_\_\_\_\_

(B) \_\_\_\_\_

(C) \_\_\_\_\_

(D) \_\_\_\_\_

(E) \_\_\_\_\_

4. Grandchildren

Age

Parent

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

(5) \_\_\_\_\_

(6) \_\_\_\_\_

(7) \_\_\_\_\_

(8) \_\_\_\_\_

(9) \_\_\_\_\_

(10) \_\_\_\_\_

(11) \_\_\_\_\_

(12) \_\_\_\_\_

(13) \_\_\_\_\_

(14) \_\_\_\_\_

(15) \_\_\_\_\_

The following is meant to give your attorney a good idea of the total value of your estate. Knowing your total worth is important to determine the type of estate plan that will keep your estate tax as low as possible.

5. REAL ESTATE INFORMATION

Description and location	Market Value	Debt
_____	RS _____	RS _____
_____	RS _____	RS _____
_____	RS _____	RS _____
_____	RS _____	RS _____
_____	RS _____	RS _____

TOTAL: \_\_\_\_\_ RS \_\_\_\_\_  
(Total value of real estate = market value less debt)

6. PERSONAL PROPERTY Please list approximate current value:

Automobile(s) RS \_\_\_\_\_

Savings and Checking Accounts RS \_\_\_\_\_

Stocks/Bonds RS \_\_\_\_\_

Household Furnishings RS \_\_\_\_\_

Other Personal Assets RS \_\_\_\_\_

7. Death Benefits from Insurance RS \_\_\_\_\_

8. Expected inheritance RS \_\_\_\_\_

9. TOTAL VALUE OF ESTATE: RS \_\_\_\_\_  
(Add all of the above, including total real estate value)

10. Name of Bank(s) \_\_\_\_\_

11. Names of stocks, bonds and other investment: \_\_\_\_\_  
\_\_\_\_\_

12. Executor \_\_\_\_\_ Alternate \_\_\_\_\_

13. Funeral Arrangements \_\_\_\_\_  
\_\_\_\_\_

14. BENEFICIARY INFORMATION:

Names of Persons or Charitable Organizations

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

11. \_\_\_\_\_

12. \_\_\_\_\_

## Values Planning

### Questions to Ask before You Plan Your Estate

1. How do you want to be remembered? By whom?
2. What kind of legacy do you want to leave for your children?
3. How much?
4. How do you want your children to use this legacy?
5. Do you have a plan to achieve your goals for your children?
6. Are your children trained in handling the wealth you intend to leave them? If not, you can begin the process by providing the opportunity for them to learn these skills by using a charitable fund or family investment partnership.
7. What values would you like to pass to your children?
8. What would your children say your values are?
9. What causes do you support?
10. Would you like the activities you support to continue after your death?
11. Are there other causes you would like to support?

## Records of Personal Information

At the time of a person's sudden illness or death, family members or friends are often faced with the need for certain information. It is extremely helpful for them to have access to a record of insurance papers, marriage and birth certificates, bank account numbers, investments, etc.

For married couples, each spouse should compile separate information and prepare separate documents, although many of the materials will be the same.

This booklet can help you make decisions about what is to happen to your assets and your corporal self at the time of incapacitation or death. It also provides a place to make and keep a record of the information others would need. It is important to keep it up to date and in a place known by at least one other family member or a close friend. Review the information periodically, preferably with the person(s) who must use the information. We suggest that you make one or more copies of the information sheets after completing them. Keep one copy with important papers and put others in sealed envelopes and give them to trusted persons. Instructions are not legally binding, but show the intent of the person signing the form as of the date signed.

### To Whomever Takes Responsibility for Final Arrangements

In calm recognition of the inevitable, I have given thought to my personal wishes concerning my final arrangements. I feel that the effort I have made to pull information together and state my wishes will minimize the emotional strain on my survivors. I do not wish them to be burdened by the great pressures of having to make immediate decisions on unfamiliar matters that inescapably must be made if I do not make them now. Difficult though it may be for me to set this down, I feel that my loved ones would find it more difficult to make the decisions with no indication of my specific wishes. Though these wishes may not be legally binding, I trust that they will help my survivors avoid confusion, extra expense, or the least self-reproach that might arise because of doubts, omissions, or commissions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### Final Farewell

I intend the rituals following my death to reflect my life, loves, and values.

(It is suggested that you fill out the following in consultation with the Temple leaders, providing a copy of these instructions for their files.)

Circumstances permitting, I wish my funeral service to take place at:

Location \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

Officiator \_\_\_\_\_

My second choice would be: \_\_\_\_\_

If you wish a traditional ceremony used, specify the nature of the ceremony:

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If possible, I would like to have the following readings:

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Policy regarding acceptance of flowers within religious buildings vary. Instead of sending flowers, many prefer to encourage a more lasting memorial. Most religious groups have both a general memorial fund and a building fund, as do many charities. Memorial gifts may also be made to the Hindu Heritage Endowment. (If you so desire, please indicate where you would like to have such contributions made:)

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I prefer to be:

- Cremated  
 Before or  after the funeral

Disposal of Ashes

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Buried

Location of cemetery lot deed, crypt deed:

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I have made arrangements to have certain parts or all of my body donated to:

---

Funeral Home to use: \_\_\_\_\_

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Coffin specifications:  Least expensive  Mid-range  Elaborate

I \_\_\_ do / \_\_\_ do not wish to have my coffin open at the funeral home.

Other information for my survivors such as orders to cancel bills and subscriptions, contacting credit card companies and the location of audio or video messages:

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Signature \_\_\_\_\_ Date \_\_\_\_\_

**Information for My Friends and Family**

Final Directions and instructions upon the death of:

\_\_\_\_\_  
Name Date

(File this information where it will be found easily upon your death. It is suggested that you also file this with your religious organization, if any, and/or your attorney, and notify your heirs that the form has been completed for their information.)

Name (Complete) \_\_\_\_\_

Address: \_\_\_\_\_

Birth Date: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Spouse's Name: \_\_\_\_\_

Spouse's Address: \_\_\_\_\_

Spouse's Birth Date: \_\_\_\_\_ Spouse's Place of Birth: \_\_\_\_\_

Religious Affiliation: \_\_\_\_\_

Name and Address of religious organization: \_\_\_\_\_

Father's Full Name: \_\_\_\_\_

Birth Date/Place: \_\_\_\_\_ Living  Yes  No

Mother's Full Name: \_\_\_\_\_

Birth Date/Place: \_\_\_\_\_ Living  Yes  No

Names, addresses, and phone numbers of living brothers and sisters:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

(We also recommend keeping an up-to-date address and telephone book. This can be a big help in notifying others in times of emergency.)

Location of Book \_\_\_\_\_

Names, addresses, and phone numbers of other persons to notify upon my death:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

The following nearby person has agreed to care for my family (or pets) temporarily:

\_\_\_\_\_

My Occupation: \_\_\_\_\_

Employer (Name & Address): \_\_\_\_\_

\_\_\_\_\_

Last Will or Living Trust executed on: \_\_\_\_\_ Will is located at:

\_\_\_\_\_  
\_\_\_\_\_

Durable power of attorney executed on: \_\_\_\_\_ Durable power of attorney is located at:

\_\_\_\_\_

Personal Representative's ("Executor's") name and address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Bank Accounts/Savings Institution Accounts/Other Income-Producing Accounts:

Name of Institution	Type	Account Number
1. _____		
2. _____		
3. _____		
4. _____		
5. _____		

Safe Deposit Box Number & Location: \_\_\_\_\_

Location of Safe Deposit Box Key: \_\_\_\_\_

\_\_\_\_\_

Attorney's name and address: \_\_\_\_\_

Investment counselor or banker's name and address: \_\_\_\_\_

Insurance agent's name and address: \_\_\_\_\_

Life Insurance Co.	Amount	Certificate #	Beneficiary
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

Insurance Policies are located at: \_\_\_\_\_

Credit and charge accounts:

Company	Account Number
_____	_____
_____	_____
_____	_____

Organizations/Associations/Societies/Unions/Lodges/Professional Association, etc.

(Include office or position--past/present, and check if organization is to be notified).

Organization	Notify:
_____	_____
_____	_____
_____	_____

Regarding disposition of personal effects (clothes, jewelry, paintings, etc.) unless otherwise specified in will:  
(Note: this list expresses your preferences but has no legal standing; in your will you may incorporate by reference such a list to make it legally binding.)

Article	Beneficiary
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Since the survivor will be faced with many problems, the following additional documents may be necessary in establishing rights to insurance, pensions, ownership, relationship, etc. Indicate location for each item listed.

- (H) Home      (D) Safe Deposit Box      (O) Office      (A) Attorney
- |   |                                      |
|---|--------------------------------------|
| _____ Marriage License                                | _____ Legal proof of age/birth cert. |
| _____ Citizenship papers                              | _____ Survivor's Pension Information |
| _____ Bill of Sale for care/title, reg.               | _____ Stocks                         |
| _____ Bank books                                      | _____ Other _____                    |
| _____ Deeds to property                               | _____ Other _____                    |
| _____ Income tax returns,<br>receipts/canceled checks |                                      |

## MISCELLANEOUS NOTES, REFLECTIONS, OR INSTRUCTIONS

### REMEMBERING THE HINDU HERITAGE ENDOWMENT IN YOUR WILL

#### SAMPLE BEQUEST LANGUAGE

#### TO USE IN YOUR WILL OR LIVING TRUST—IN CONSULTATION WITH YOUR ATTORNEY

Having thought through the four P's, there are four different ways that a gift in a will can be made. They are:

- 1) a percentage of the estate.
- 2) a fixed dollar amount.
- 3) specific property such as stocks, bonds or real estate.
- 4) the residue of the estate.

The following sample wording for each of the four ways of giving is provided as a general guideline to use in wording your will to include a gift to HHE. Similar wording can be used for bequests for each person you want to include in your will. However, be sure to consult with legal and financial professionals before the wording of your will is finalized.

- 1) "I give \_\_\_\_\_ percent (\_\_\_\_\_ %) of the rest, residue and remainder of my estate to Hindu Heritage Endowment."
- 2) "I give, devise and bequeath to the Hindu Heritage Endowment, the sum of \_\_\_\_\_ dollars (RS \_\_\_\_\_)"
- 3) "I give the following described property: \_\_\_\_\_  
\_\_\_\_\_ to Hindu Heritage Endowment."
- 4) "I give all the rest, residue and remainder of my estate to Hindu Heritage Endowment."

For an unrestricted gift to HHE, the following wording should also be included:

“Hindu Heritage Endowment (HHE) is a charitable trust whose Federal Employer Identification Number is #99-0808924, located at 107 Kaholalele Road, Kapaa, Hawaii, 96746-9304, USA. This gift to HHE is to be assigned at the sole discretion of the HHE trustees to one or more existing or new funds and may be commingled for investment purposes with other funds administered by HHE without restriction as to permissible investments. The principal of this gift shall be held in perpetuity, and the income (as determined by HHE) may be distributed to the beneficiary institutions.”

For a restricted gift to HHE, the following wording should also be included:

“Hindu Heritage Endowment (HHE) is a charitable trust whose Federal Employer Identification Number is #99-0808924, located at 107 Kaholalele Road, Kapaa, Hawaii, 96746-9304, USA. This gift to HHE is to be assigned to the fund \_\_\_\_\_ and may be commingled for investment purposes with other funds administered by HHE without restriction as to permissible investments. The principal of this gift shall be held in perpetuity, and the income (as determined by HHE) may be distributed to the beneficiary institution(s).”

### **The Option of Writing a Codicil**

If you already have a will you have the option of writing a codicil which contains a paragraph you would like to add to an existing will or living trust, may be drawn up, notarized and attached to your existing estate document(s). If you do this yourself, the entire codicil should be written in your own hand.

The following is an example of a codicil for a specific bequest.

“In addition to the will I executed on (Date of Will), I now desire to add this provision for (name of charitable organization, such as “Hindu Heritage Endowment” printed here) located at (address of charitable organization, such as “107 Kaholalele Road Kapaa, Hawaii 96746-9304 • USA” printed here) namely to provide (specify percentage of estate or dollar amount, or describe asset) to be used for (specify particular fund or write “where most needed”)

Dated: \_\_\_\_\_ Signed \_\_\_\_\_

Witnessed: \_\_\_\_\_

## Hindu Heritage Endowment Legacy Sangha Membership Form

Swami Shanmuganatha  
Charitable Funds Manager  
Hindu Heritage Endowment  
107 Kaholalele Road  
Kapaa, Hawaii 96746-9304

Dear Swami Shanmuganatha,

(Check one):

I have remembered the Hindu Heritage Endowment through a bequest in my will or trust or in some other way. Please enroll me in the Hindu Heritage Endowment Legacy Sangha. You may publish my name on the Hindu Heritage Endowment Legacy Sangha Honor Roll.

I have remembered the Hindu Heritage Endowment through a bequest in my will or trust or in some other way. Please enroll me in the Hindu Heritage Endowment Legacy Sangha. Do not, however, publish my name.

Name(s) (Please Print) \_\_\_\_\_

\_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The more information we have regarding your gift, the better able we are to make sure your wishes are honored. If you are comfortable doing so, please note below the type of gift you have made. Completing this section is not required for the Hindu Heritage Endowment Legacy Sangha membership nor does this form have any legal force.

We have provided for the Hindu Heritage Endowment as follows:

- Charitable bequest (Indicate type of bequest):  specific amount  
 percentage  
 whatever's left over (residual)  
 if all heirs deceased (contingent)

Retirement plan designation

Insurance designation

Other \_\_\_\_\_

Estimated gift value (optional) \_\_\_\_\_

Name of person or entity responsible for transfer: \_\_\_\_\_

Phone number of same: \_\_\_\_\_

# Reflecting on the All-Important Will: USA and Mauritius Laws on Gifts to Hindu Causes

Millions, in fact billions, of charitable dollars can turn on how estate planning laws are written.

In the US alone, more than \$20 billion a year flows from the estates of the deceased to non-profit organizations like Hindu Heritage Endowment and the Kauai Monastery. But in Mauritius, where almost half the population is Hindu, hardly anyone writes an estate plan, much less makes bequests to good causes. One reason is the law governing the disposition of estates at death.

In the US, one has almost limitless control on the disposition of one's estate. Parents, for example, can legally favor one child over another by disinheriting or giving a lot less to his or her siblings. Or the parents can disinherit them all. You can't do any of that in Mauritius.

When it comes to gifts from parents to heirs, Mauritius law insists on equal treatment, according to Manon Mardemootoo, a senior attorney practicing law in Mauritius since 1970.

Mauritius is what attorneys call a "forced heirship jurisdiction." Parents must reserve a portion of their estate for their children according to rigid formulas: One-half of the estate must go to an only child, two-thirds if there are two children, three-quarters if there are three or more.

After the parents have died, the surviving children can go to court and contest lifetime gifts to their siblings, Manon explains. "The other children may lodge an action for a court order directing that the sale be declared a disguised donation, the property be returned into hotchpot (the blending of property to ensure equal division) and that the favor be reduced and or limited to not more than a quarter or a third or half depending on the number of heirs left."

Forced equity among heirs takes away an incentive to write a will. As Mr. Mardemootoo points out, "The law provides that when someone dies his wife and children inherit in equal proportion. Many of us just leave it at that, knowing that it is automatic."

Another significant difference is estate tax. In the US, the tax at death can be as high as 45% on very large estates. Estates over \$3.5 million in value are vulnerable to tax, and people with that kind of wealth often do serious estate planning to minimize the bite. In Mauritius, there is no estate tax, and so no plans are needed to avoid it. "Estate plans, even simple wills, are very rare here," Mr. Mardemootoo says. "Maybe one percent of the population has a will."

He regrets that this is the case. "A plan is needed for an orderly disposal of one's estate," he asserts. But, he adds, the lack of estate tax and the fact that parents can control only the disposition of one-half to one-quarter of their estate, dampens enthusiasm for estate planning, which is never a task people relish.

Even when estate tax law encourages written plans, lots of

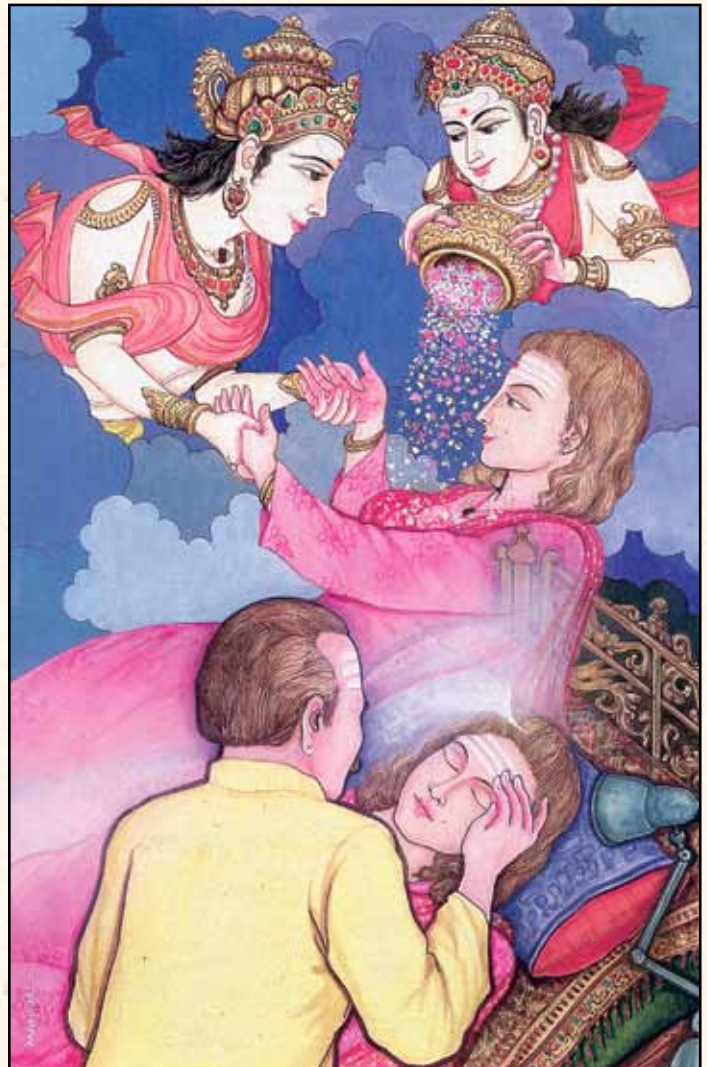


people avoid doing one. In the US, despite far greater control over their estates and their vulnerability to estate tax, only about 50% of US adults have a will or trust.

The Hindu Heritage Endowment and Kauai Monastery have been encouraging estate planning in the US by offering all who ask a complementary estate planning toolkit.

In places like Mauritius, where the law offers little incentive to draft a will, HHE and the Kauai Monastery can only hope a spiritual motivation will prevail.

As Satguru Sivaya Subramuniyaswami (Gurudeva) wrote years ago in *Living with Siva*, "Siva's devotees dutifully save for their future through Hindu Heritage Endowment and prepare a formal, final will and testament, even when young, that provides funds for their family and temple." It's a precept his followers hope will be heeded both in Mauritius and the US.



A woman leaves her physical body and is received by her guardian devas in her astral body at the moment of her Great Departure. She is happy that—guided by her estate planning tool kit—her personal and financial affairs are settled.

# Tale of Two Brothers Shows How Crucial the Choice of One's Trustee Can Be

Two brothers, never very close, were surprised when their 85-year-old mother called and asked them to meet with her. She would not tell them why. "My friends at the senior center keep telling me I'm crazy not to have a living trust," she told them when they met at her aging Victorian on the edge of town. "I want you boys to help me."

Amol, a hotel manager in his late fifties, lived just north of San Francisco with his wife. They had two adult children in the area. His much younger brother, Partha, a software engineer, lived alone in San Jose, in Silicon Valley. Amol, to Partha's relief, found a local estate planning attorney. In three weeks the trust was ready for their mother's signature. The two brothers were named successor co-trustees with equal powers.

All went well for three years. Then Amol, who visited his mother often, found her one weekend afternoon unable to continue a conversation. The diagnosis at the local emergency room was transient ischemic attack, a temporary lack of blood to the brain.

Shortly after they arrived at emergency, his mother was fully alert and clamoring to go home. But they spent the next five hours waiting for tests and the doctor's report. The doctor could find nothing specific, but insisted on overnight observation. The mother, discharged the next day, left fuming at being kept from her home when she had felt "perfectly fine."

When Amol told Partha of the incident that afternoon, Partha asked pointedly why he hadn't been called right away. "You've kept your distance for the last twenty years, and now you want me to be your personal eye-witness news team?" Amol shot back.

So it went for four more years as their mother continued to suffer fainting spells and diminished capacity. Partha regularly second-guessed his brother's decisions. Amol grew resentful of the time his mother required of him as the nearby son. Then one of Amol's children began taking what Partha thought was an unseemly interest in the value of his grandmother's estate.

The damage to already tenuous family relationships was substantial. So far, the brothers have avoided taking each other to court, but just barely.

Amol and Partha's story, though fictional, is a composite of true stories. Despite situations like these, estate planning attorneys continue to promote living trusts because they work so well in most cases, allowing families to handle major assets without court intervention and bypassing probate. But many living-trust boosters have tempered their enthusiasm by emphasizing the need for great care when selecting a successor trustee.

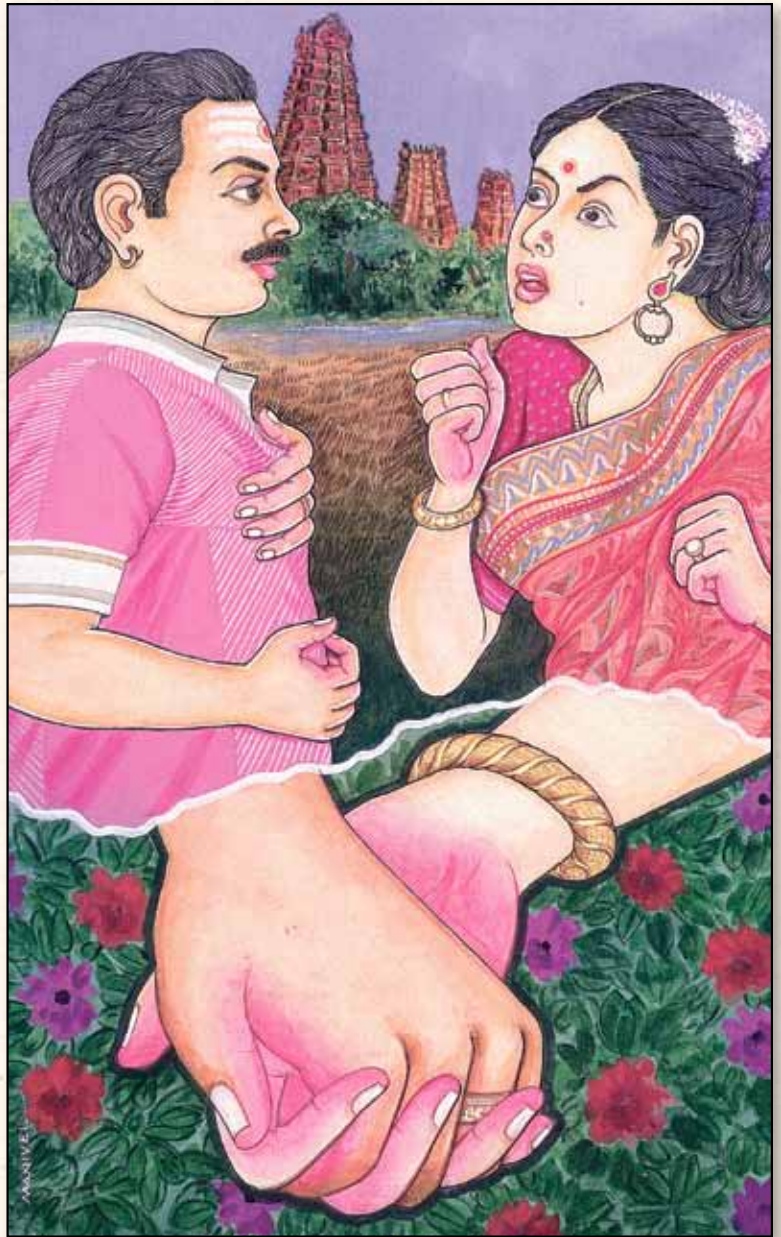
Having the love of a parent is not the sole qualification. Trustees need to have the competence to manage assets, the discipline not to consider property in a trust as theirs, the ability to cooperate with others, and the self-control to exercise fairness, honesty, respect, courtesy and good faith

at times of great stress.

No matter how well written your living trust is, the choice of your successor trustee remains crucial to its fulfillment.

The Hindu Heritage Endowment wants you to succeed in your estate planning efforts and, through them, both care for your family and remember good causes like the Iraivan Temple Endowment.

We've placed a brief trustee code of ethics on our website which you may review at [www.hheonline.org/trustee\\_ethics.shtml](http://www.hheonline.org/trustee_ethics.shtml).



*Use care when selecting a trustee for a living trust. Otherwise, contention among family members may arise, as shown here. Choosing a qualified trustee helps ensure harmonious conditions.*

# An Advance Health Care Directive Saves a Family Grief

Sanjit Sharma had slipped into a coma from which, his doctors said, he would not awaken. His grieving family, however, had one great consolation: Sanjit had put down in writing what he wanted done in just this circumstance.

Rather than debating if and when to take their father/grandfather off life support—remember the Terri Schiavo case contentiously argued in the US Congress?—they referred his doctor to Sanjit's advance health care directive.

"I already have that in my files," the doctor told them. "Sanjit gave us a copy when he was in the hospital five years ago." The family breathed a communal sigh of relief. They still had many issues to face, but Sanjit had lifted from their shoulders this delicate decision. Besides saving them from conflict at a time of great stress, he also saved his estate from the enormous expense of high-tech but, in his case, futile medical treatment.

The advance health care directive, also known as a durable power of attorney for health care, is a legal document, similar to a living will, that lets your physician, family and friends know your health care preferences, regarding the types of special treatment you want or don't want at the end of life, your desire for diagnostic testing, surgical procedures, cardiopulmonary resuscitation and organ donation.

The Hindu belief in the rebirth and reincarnation of souls transforms death from a calamity to a natural process, a means by which the soul sheds one body and continues its evolution in another. But our technical ability to keep patients alive and the natural inclination to prolong the life of a loved one can create conflict among family members who are keeping vigil by the bedside.

By completing an advance health care directive, you, like Sanjit, can avoid having your family making crucial medical decisions for you at a time of emotional turmoil, and assure that your wishes are fulfilled.

Most US states have a form you can fill out to express your health care wishes. If you have Internet access, google "Hawaii Advance Health Care Directive" or "California Advance Health Care Directive (California Probate Code Sample Form)." Ideally, have an estate planning attorney guide you to make sure your wishes conform to both state and federal law. Your health care directive will allow you to make clear:

- What is important to you when you are dying
- Specific medical treatments you especially want or do not want
- Whether you want to be in a nursing home, a hospital or at home
- Your preferences regarding palliative care/pain

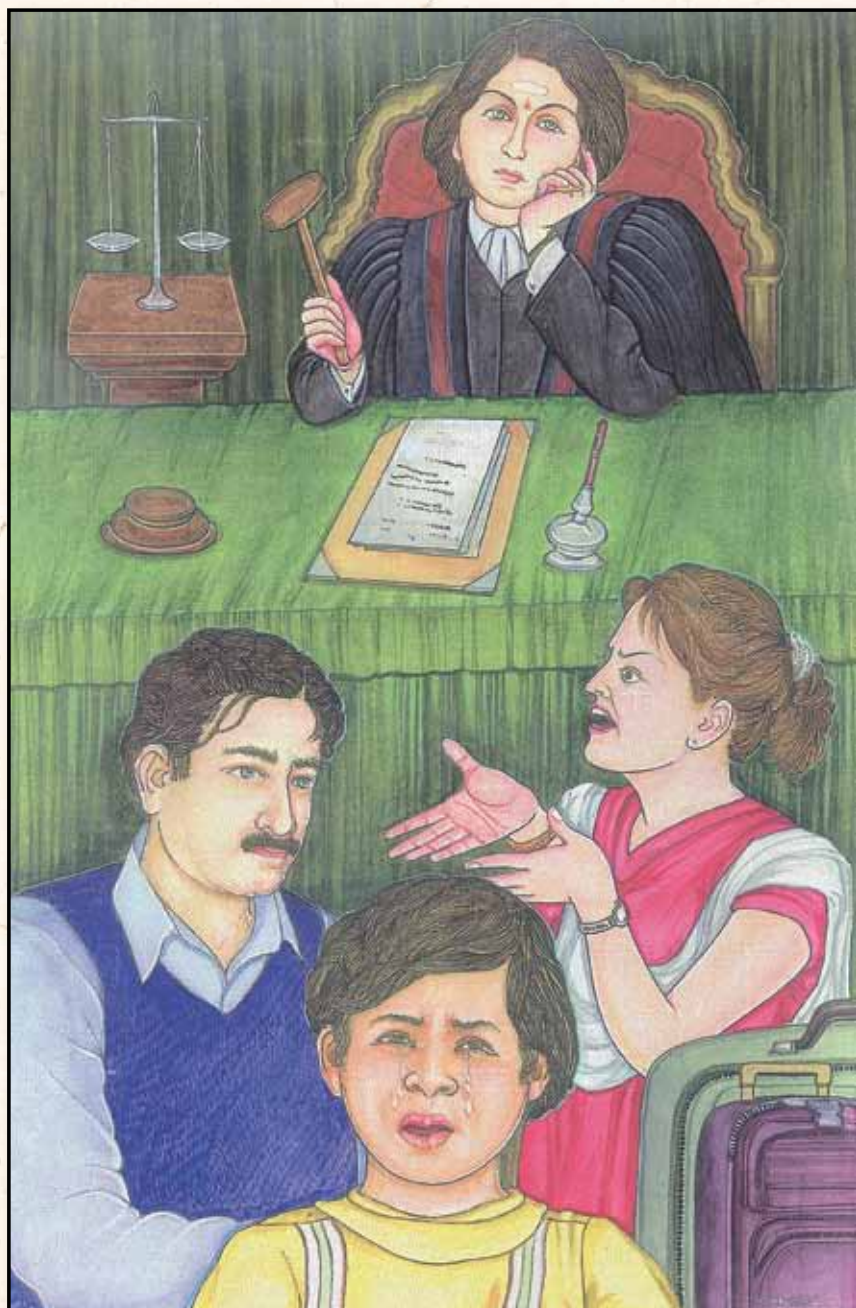
management and hospice care

- Who is to make sure your wishes are carried out

Keep your original signed form and give copies to the person you appoint as your agent and any alternates, your physician, family members, and the health care institution providing your care.

Don't rely on this brief article for authoritative guidance. Again, your legal advisor is your best resource.

For more information on advance health care directives, visit the Hindu Heritage Endowment website, [www.hheonline.org](http://www.hheonline.org), and click on Planned Giving, then Essentials and then Living Wills.



*Lacking an advance health care directive, a family is forced to resolve its conflicts in a court of law*

# Durable Power of Attorney: When You Need to Give Others Control of Your Property

Are you out of your mind?" So thought Aditya, a well-traveled engineer in his forties with an international client base, when his attorney first suggested he name someone to control his bank accounts, make his mortgage payments and complete and sign his taxes.

Too polite to speak his misgivings, Aditya revealed them in his face. "No, no. I'm not asking you to give away the store," the attorney said with a smile. "These powers would spring to life only when you need them."

"For example?"

"Let's say you had a serious accident on one of your trips. Doctors confirm you can't manage your finances for a while. If you have completed a durable power of attorney for property management and finance, someone you have chosen could immediately pay your medical bills and mortgage."

"And if I haven't done this, what would happen?" Aditya queried.

"Without it the court would have to appoint a conservator for you," the attorney explained with a grimace. "That's called, logically enough, a court conservatorship. In some cases it's the only solution, but, believe me, you want to avoid it if you can. It's expensive and unpleasant—after all, they have to discuss your mental competence in public. And in the end they may appoint someone you would not want."

"'Power of attorney' does not imply an actual attorney, does it?"

"No. 'Attorney' is used in the broad sense of someone acting in your place and on your behalf, not an attorney-at-law like me."

"How important is this document?"

"Well, after I had given an estate planning seminar and reviewed the tools of the trade, an emergency-room nurse who was in the audience spoke up. 'Accidents happen. Everyone should have a durable power of attorney for property management, no matter what your age, if you own property and have bills.'"

"Is it a long document?"

"It can be, depending on what you want your representative to do," the attorney said. "This is typical," he added, handing Aditya something that looked like an accountant's to-do list. It read:

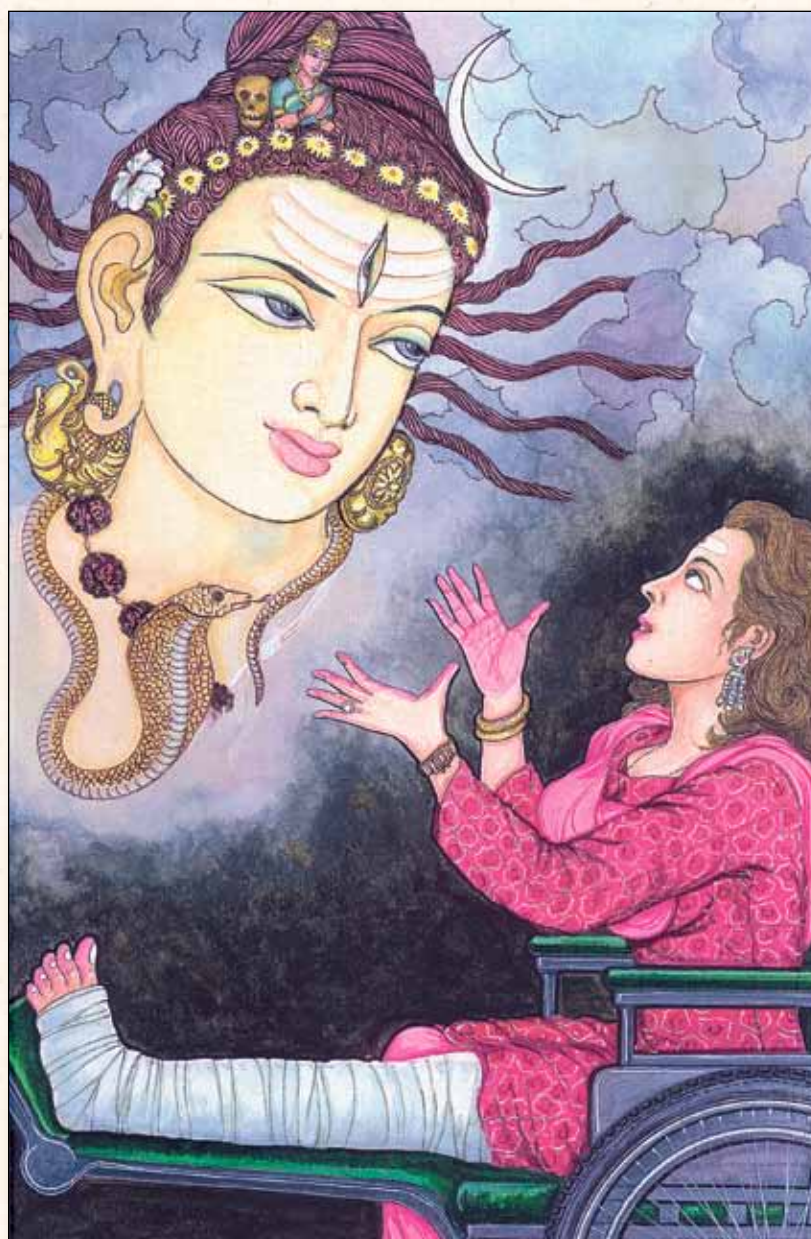
- Make deposits and withdrawals from bank accounts
- Sign tax returns and appoint qualified individuals to represent the principal with the IRS in order to make investment decisions
- Deal with retirement plans, including IRAs
- Have access to the principal's safe-deposit box
- Create a living trust and fund a previously created living trust
- Revoke or change beneficiary designations
- Vote the principal's stock
- Forgive or collect the principal's debts

- Enter into contracts on behalf of the principal
- Make gifts on behalf of the principal
- Disclaim gifts or bequests made to the principal
- Deal with life insurance on the life of the principal

There were a few people, very few, to whom Aditya would give these powers. He did not relish a judge he did not know making that choice for him.

"Let's get it drafted," he declared.

For more information on durable powers of attorney for property management and finance, visit the HHE Web site, [www.hheonline.org](http://www.hheonline.org), and click on Planned Giving, then Essentials, and then Power of Attorney.



*Incapacitated by an injury, a woman is grateful she had the foresight to appoint a conservator for such an eventuality*

