

These are The Most Important Estate Planning Documents

LAST WILL AND TESTAMENT

This is a document that allows a person, prior to death, to direct and prepare the future administration of his/her estate, name a Personal Representative for the estate, include a testamentary trust, propose a guardian for your minor children, etc. If you do not have a Will, then the intestacy statute will control your estate property.

A Last Will and Testament is subject to S.C. Code Ann. § 62-3-101.

The Laws of Intestacy are set forth at S.C. Code Ann. § 62-2-101.

DURABLE POWER OF ATTORNEY – BUSINESS AND FINANCIAL

This is a document that legally assigns authority to an agent to act on a person's behalf, with the agent's authority automatically continuing if the person becomes incapacitated. This document must be recorded with the Register of Deeds Office to be effective. This document avoids the need for a court appointed conservator if you become incapacitated and is provided for in S.C. Code Ann. § 62-8-101.

HEALTH CARE POWER OF ATTORNEY

This is a document in which a person directs his/her health-related decisions to an agent in the event that the person becomes mentally or physically incapacitated. This document does not have to be recorded to be valid, and having one avoids the need for a court appointed guardian. This document is governed by S.C. Code Ann. § 62-5-504.

DECLARATION OF A DESIRE FOR NATURAL DEATH OR LIVING WILL

This is a document in which an individual provides instructions in the event they become incapacitated or incapable of making medical decisions-primarily for end-of-life decisions. It is governed by S.C. Code Ann. § 44-77-10.

DO NOT RESUSCITATE ORDER

This document is a legal order to withhold cardiopulmonary resuscitation (CPR) or advanced cardiac life support (ACLS), in respect of the wishes of the patient, in the event that the patient's heart stops beating or the patient stops breathing. It is governed by S.C. Code Ann. § 44-78-10.