

## Death by Internet

The law firm of Tuesley Hall Konopa has recently acquired a new estate at the passing of a gentleman who went to great pains and expense to write his own will. We are sure he thought he was saving money and, at the same time, making sure his assets would be distributed the way he intended upon his death. The problem is the will is not a valid will and we have a very unhappy family on our hands.

This gentleman created his will on his laptop. He even went to the extent to buy expensive encryption software so his signature would be encrypted. But this turned out to be a problem. That's because Indiana law requires that for a will to be valid it must "executed" (or signed) in writing and more importantly, the signature must be witnessed by at least two other people.

While many people assume that they can do it themselves, experts agree that this area of law is best left to legal professionals to ensure that your wishes are carried out exactly as you've specified. A successful estate plan requires that all i's are dotted and all t's are crossed. One minor error may result in one, if not all, of your intended beneficiaries being left out of your estate entirely. And keep in mind that a complete estate plan usually requires more than just a will. You want to make sure your assets are distributed in the most cost-effective manner without undue taxation to your beneficiaries. This may best be handled through the use of a living trust.

There is a proliferation of Web sites that provide software, legal forms and advice for do-it-yourself estate planning. The Web sites we visited all say it is easy and less costly than a going to a lawyer if you buy their services and forms to write your own will, set up your own trusts, create powers of attorney and healthcare directives, designate guardians, executors and trustees, and above all avoid probate. Don't believe it!

The primary pitfall is that the software programs provide a one-size-fits-all solution that may not address the specific needs and desires of some people. However, in the case of an individual who cannot afford to consult with an attorney or who may prefer to prepare documents independently, the available software is generally adequate and the documents are typically legal. Everyone's situation is different. Estate planning takes good legal advice, and if nothing else these software

alternatives can help to get your asset information organized and prompt you to think about your wishes for their distribution at your death.

If you or someone you know has done their own estate planning through the Internet or purchased off-the-shelf software to write a will, it may be time to revisit those documents.

If you have questions about creating a will and/or estate plan, Tuesley Hall Konopa offers a **free initial consultation** with an estate planning attorney to review what estate planning documents you have in place.

To find out more call Tuesley Hall Konopa, LLP at 574-232-353 or visit our Web site at [www.thklawfirm.com](http://www.thklawfirm.com).

### **Disclaimer**

This article is for informational purposes only and should not be relied upon as legal advice. If you are considering the preparation of a will or estate plan you should seek the advice of a legal professional.