

# ESTATE PLANNING GUIDE





# INTRODUCTION

Philanthropy - Altruistic generosity promoting socially useful purposes. St. Lawrence University's supporters allow us to provide an inspiring and demanding undergraduate education in the liberal arts to students selected for their seriousness of purpose and intellectual promise. Your commitment can ensure a St. Lawrence education for future generations.

Please consider joining the thousands of people who have generously included the University in their long-term plans.

## Peace of Mind for You.

An estate plan and its associated documents will help guide your family and give them permission to make difficult decisions. This plan can also clarify next steps after your passing. Consider this a gift to your family and other loved ones at the time they need it most.

## Provide for Your Family.

An estate plan is especially important if you have minor children as it will name a guardian to care for them and in many instances establishes a trust to help ensure their financial well-being. Even without minor children, you will want an orderly plan describing your bequests for loved ones.

## Financially Wise.

A good estate plan will help streamline the distribution process, minimize administrative costs, and possibly reduce taxes. Planning allows you to leave the most you can to the people you love and the causes you care about.

## Distribution of Your Assets in the Manner You Want.

Without an estate plan of some type, the laws of your state determine dispensation of your property. This is called intestate succession (property inheritance when there is no will). Very likely, the law may NOT benefit those you would have chosen. Furthermore, no state distribution law provides for gifts to friends or charities or makes provisions for your pets. Make sure what you have earned and accumulated in your lifetime goes to help those you love and causes that you care about.

## Remembering Charity.

With thoughtful planning, you can provide for your loved ones and leave a specific piece of property, portion of, or even the remainder of your estate to charity.



This booklet describes the key elements of an estate plan, the documents you should have, and some charitable giving ideas you might want to incorporate into your planning. We also provide an "Essential Information Checklist" for personal and financial details to share with your family. "Estate Planning Documents Inventory" includes the elements you need to ensure your wishes are carried out.

Let's get started.

# ELEMENTS OF LONG-TERM PLANNING

## Related to your future wishes

The planning techniques described below are the basic elements that will ensure your wishes are carried out. What approach you take should usually be done in partnership with a lawyer. There is more information about working with a lawyer later in this booklet.

Regardless of the planning documents you choose, you can provide for a gift to St. Lawrence and continue St. Lawrence's important work. Making a legacy gift to St. Lawrence isn't just for those with a large estate. It's a wonderful way to continue a lifetime of support for an institution that has meant so much to you.

**Will.** A valid will is generally typed, dated, and signed by you as well as two legally competent witnesses. States differ as to what constitutes a valid will. Only by working with an estate-planning lawyer can you ensure your plan will be implemented. In your will, you can specify the assets and dollar amounts that should be used for charitable gifts. You can also designate the percentage of your remaining estate that charities will receive after all debts and other distributions have been made.

**Revocable Living Trust.** Similar to a will\*, this trust facilitates the orderly distribution of your property. The living trust may have the added benefit of protecting your assets from creditors and will avoid the time and cost of the probate procedure. The living trust is created while you are alive, and you can serve as trustee. You retain the power to change

and even revoke the trust. To be effective, you make the trust the legal owner of your property like your house, your car, and other valuable property. As with a will, you can make gifts to your favorite charities.

\*Even if you decide upon a living trust, you should still have a will. The will controls the distribution of property not owned by the living trust such as personal property. Property passing through the will is subject to the probate process but will be easier and less expensive to manage.

**Beneficiary Designations.** When opening a bank or stock brokerage account, establishing an IRA or other type of retirement plan, or purchasing a commercial annuity or life insurance policy, you determine the individuals or organizations that might benefit from these accounts. You can name St. Lawrence in your beneficiary designations to receive all or a portion of an account upon your passing.

**Organizing Your Plan.** Locate and organize your financial records, documents that prove ownership of real estate and other property, beneficiary designations, prior wills and trusts, if any. A comprehensive list of documents you'll need is included in this booklet. You'll need an attorney to document your intentions. Nonetheless, before visiting an attorney, consider the needs of your loved ones, causes close to your heart, and be prepared to make your intentions known to your planning professional.

## Do I need to have an estate plan?

Yes. Regardless of the size of your estate, you want to ensure your wishes are carried out and your possessions go to those you designate. A comprehensive estate plan also protects you. It grants power of attorney for financial and health matters should you become incapacitated; it also states your wishes regarding late-stage medical care.

Your estate documents can include personal statements and identify those things you consider meaningful. For the people and organizations that are important to you, a thoughtful estate plan can be a cherished expression of your values.

## How often should I update my plan?

It is a good idea to update your plan every seven to ten years. Some people have a periodic check-up with their attorney.

Certainly whenever there is a significant event in your life such as the birth of a child or grandchild, sale of a business, retirement, change in marital status, or death of a spouse or other loved one, you should review your plan for necessary changes.

# STEPS TO HAVING AN ESTATE PLAN

Here are some practical steps to get you started:

1. Take inventory of what you own. List all of your assets (real estate and investments) and their approximate value. Include pertinent information about that asset.
2. Make a list of tangible personal property such as jewelry, dishes, books, furniture — items other than real estate and investments — and who is to receive each item upon your passing. You may want to maintain this as a separate list rather than designating this in your will or trust for maximum flexibility.
3. Think about your goals for your estate plan. For example, who you want to benefit, how you want to treat each heir, any special needs that you want to provide for, what happens if you and your spouse both pass away close in time, and if there are charities or organizations you want to remember. Your attorney is likely to ask about goals you didn't consider, but at least you'll have a head start on those that are most top-of-mind.
4. Consider whom you would like to name as your agents, e.g., the executor of your will or the trustee of your trust, the person to hold your power(s) of attorney and gather pertinent information about them.
5. Go see an attorney, preferably one who specializes in estate planning. If you don't have one or know of one to call, check with family, friends, co-workers, or your local bar association for recommendations.
6. Follow through on whatever actions are decided upon in the meeting with your attorney. Rely on the advice of your attorney and other professional advisors as you make your decisions.

7. Share your plans with others. Key documents are of little or no value if no one knows what they say or where to find them when they are needed. This is especially true for the person(s) you have designated to serve as your personal administrator/executor under your will or the trustee of your living trust. Loved ones will appreciate at least a general sense of what to expect to prevent misunderstandings later on.



## Do I need to see an attorney?

Yes. Estate planning can be a complex area of the law and shouldn't be left to a one-size-fits-all arrangement. This is especially true when you have a blended family. What is best for your sister and brother-in-law is not necessarily best for you!

While there is a cost involved in preparing your plan, it is modest compared to the peace of mind of having appropriate arrangements for your family, clear instructions as to your wishes, minimizing probate fees and costs, and possibly saving state and federal estate taxes.

# CONSIDER YOUR CHARITABLE LEGACY

## What if I have a plan, but want to change one thing?

If your plan is fairly current, it is easy to make a change or two, such as adding a charitable beneficiary.

Your attorney can prepare an amendment to your will (called a “codicil”) or to your living trust. Many times this can be done quickly.

You may have numerous charities that you support. Making a gift provision to one or more charitable organizations in your estate can be a natural extension of that support. You might be surprised at how much you can leave to St. Lawrence with a charitable gift while achieving your personal and financial goals.

**Bequest.** This is a gift made through your will or living trust. You can leave a specified amount of money, a particular piece of property, or all or a portion of the ‘residue’ (what’s left after your

final expenses, debts, and specific gifts are paid). See page 6 for sample bequest wording.

### **Beneficiary Designation Gift.**

Just as you designate individuals to receive certain assets directly as your named beneficiary, you can name St. Lawrence to receive part or all of the asset. This is most commonly used with IRAs and other retirement plan assets and life insurance policies, but it can also work with assets such as checking and savings accounts, brokerage accounts, and commercial annuities.

In addition to leaving a final legacy, bequests and beneficiary designations have the advantage of being flexible, revocable, and your gift can be contingent on your loved ones being cared for. Perhaps most importantly, these specifications leave the assets under your control should you need them during your lifetime.

Charitable bequests and beneficiary designations are fully deductible if you have sufficient assets to require filing an estate tax return. There is no limit as to how much of your charitable estate gifts can be deducted.







#### Charitable Gift Annuities.

You can make a gift during your life to St. Lawrence and receive fixed lifetime payments and take an income tax charitable deduction. This type of gift can be made if you are over the age of 50 and contribute at least \$10,000. The size of your payment will depend on your age at the time you make your gift and the amount contributed. You can choose to receive payments for yourself or for you and another person. You can increase your tax benefits and avoid tax if you make your gift using appreciated stock, rather than cash.

You can also defer the annuity payments until a later date, such as the date of your retirement. You will receive an income tax charitable deduction in the year the gift is made. St. Lawrence will pay you fixed income for life, starting at any date you choose. This arrangement is especially advantageous if your tax bracket is higher now than you assume it will be later. The longer you defer payments the higher your future annual payout rate and your income tax deduction will be.

#### Charitable Remainder Trust.

A charitable remainder trust can help you maintain or increase your income while making a significant gift to St. Lawrence. It is an especially attractive gift if you would like to sell an appreciated asset, e.g., real estate held for investment purposes, and generate income from the sale by substantially reducing and deferring capital gain income that would have been due if you had sold the real estate.

#### Retained Life Estate.

You can give your personal residence to St. Lawrence and continue to live there for the rest of your life. You have the satisfaction of knowing

that this generous gift is complete and the benefit of immediately reducing income taxes with an income tax charitable deduction in the year of your gift. Retained life estate gifts or other real estate must conform to St. Lawrence acceptance policies.

#### Donor Advised Fund.

Remember, if you have a Donor Advised Fund, you can name St. Lawrence as a sole or partial beneficiary. A donor-advised fund can provide you with immediate tax benefits while making your charitable giving easier for years to come. Here's how it works:

You establish a fund at a sponsoring charity. This could be a community foundation, a public charity with a donor-advised fund program, or even one of the well-known investment companies that sponsor donor-advised funds. The minimum contribution to start a fund ranges from \$5,000 to \$25,000. Check with the fund sponsor. You make an initial contribution to start your fund of cash or appreciated assets such as stocks or mutual funds. You get an immediate income tax deduction. Some sponsors even let you name your fund.

Once established, you can suggest to your fund sponsor those public charities that should receive grants from your fund, such as St. Lawrence. The grants can be relatively modest or for larger projects such as a capital campaign or a new building. You do not get an additional tax deduction for these grants. You can also suggest which charities you want to have any remaining assets in your fund at your passing. St. Lawrence is grateful for such gifts.

# LEAVING A LEGACY TO ST. LAWRENCE

**If you wish to leave a bequest to St. Lawrence, the process is relatively simple.**

As you consult your attorney on the selection of appropriate wording to reflect your own goals and intentions regarding St. Lawrence, be sure that our correct legal name appears in all final documents as:

**“ I give to St. Lawrence University, a New York not-for-profit, 501(c)(3) tax-exempt corporation having a principal place of business on Romoda Drive in Canton, New York, the sum of \_\_\_\_ dollars (\$\_\_\_\_) or (\_\_\_\_ % of my property) or (describe specific property), federal tax identification number 15-0532239, to be used for the general purposes of St. Lawrence (or a specific purpose). ”**

## Types of Bequests

**Specific Bequest:** St. Lawrence receives a specific dollar amount, or a specific piece of property. This is one of the most popular forms of bequests.

**Residuary Bequest:** St. Lawrence receives all or a stated percentage of an estate after distribution of specific bequests and payment of debts, taxes and expenses.

**Contingent Bequest:** St. Lawrence receives all or part of the estate under certain specified circumstances, such as the passing of a spouse.

**Unrestricted:** This type of gift allows St. Lawrence to use it for its general purposes. An unrestricted gift is very useful to St. Lawrence because St. Lawrence will have flexibility to put the gift to the best possible use at the time it is received.

**Restricted:** A restricted gift is given to St. Lawrence with instructions for a specific purpose, such as support for a special project or program that is important to you. Please consult with the Office of Planned Gifts prior to establishing your restrictions to ensure that St. Lawrence is able to carry out your wishes.

## Next Steps:

To receive further information and assistance on estate planning, or to learn more about how your gift can help St. Lawrence, please contact our Office of Planned Gifts.

- call 315-229-5505
- email Kurt Terrell at [kterrell@stlawu.edu](mailto:kterrell@stlawu.edu)

# ESSENTIAL INFORMATION CHECKLIST

This checklist and inventory are designed to help you organize your important information. This will in turn help you when you go to see an attorney to prepare your will and other key planning documents. It will also help your loved ones at a time when they need it the most - if you are no longer able to make decisions for yourself or if you have passed away.

While it will take some time to complete, the time couldn't be better spent. Imagine the peace of mind that will come from knowing you have done all that you can do for yourself and your loved ones to be prepared for the unexpected. Gathering information is your first step in this process.

## You and Your Family

### You and Your Spouse

- ☐ Full Legal Names
- ☐ Addresses
- ☐ Phones
- ☐ E-mails
- ☐ Dates and Place of Birth
- ☐ Social Security Numbers
- ☐ Driver's License
- ☐ Marital Status
  - Date and Place of Marriage
  - Prenuptial agreement
  - Widowed, divorced or legally separated
- ☐ Citizenship Status
- ☐ Employment Status
- ☐ Current or Most Recent Employer
- ☐ Military Service
- ☐ Planning documents in possession
  - Will or Revocable Living Trust
  - Health Care Directive
  - Physician's Order
  - Life Sustaining Treatment
  - Power of Attorney - Financial or Health
  - Personal Property Inventory

### Your Parents, Children and Grandchildren

- ☐ Full Legal Names
- ☐ Addresses
- ☐ Phones
- ☐ E-mails
- ☐ Dates of Birth
- ☐ Social Security Numbers
- ☐ Status
  - Dependent
  - Date of Adoption
  - Previous Marriage
  - Special Needs
  - Deceased
- ☐ Dates of Death
- ☐ Resting Place

### Your Pets

- ☐ Names
- ☐ Description
- ☐ Vet Contact Information
- ☐ Food/Medicine/Special Instructions



# ESSENTIAL INFORMATION CHECKLIST

## Financial Information

### Tax Records

- ☐ Location
- ☐ Preparer Name and Contact Information

### Pension Information

- ☐ Type of Plan
- ☐ Company Name/Address
- ☐ Benefit Value
- ☐ Named Beneficiary

### Safety Deposit Box(es)

- ☐ Location/Institution
- ☐ Address
- ☐ Box Number
- ☐ Key Location
- ☐ Who Has Access Authority?

### Insurance Policies

- ☐ Type
- ☐ Company
- ☐ Contact Info
- ☐ Policy Number

### Social Security Payments

- ☐ Deposited to Account
- ☐ Bank Name
- ☐ Bank City/State/Phone Number
- ☐ Account Number



# ESSENTIAL INFORMATION CHECKLIST

## Assets and Debts

All assets and debts should be identified as owned by you alone or jointly with spouse or co-owner if someone other than a spouse.

### Cash (Liquid Assets)

- ☐ Type
- ☐ Bank Name/Location
- ☐ Account Number
- ☐ CD Maturity Date

### Real Estate

- ☐ Description
- ☐ Address
- ☐ Date Purchased

### Securities (Stocks, Bonds, etc.)

- ☐ Description
- ☐ Location/Firm
- ☐ Number of Shares

### Life Insurance/Annuities

- ☐ Description
- ☐ Name of Company
- ☐ Insured/Annuitant
- ☐ Beneficiary
- ☐ Policy Number

### Business Interests

- ☐ Business Name
- ☐ Location
- ☐ Number of Shares/Percentage



# ESSENTIAL INFORMATION CHECKLIST

## Retirement Assets (IRA, 401K)

- ☐ Description
- ☐ Custodian Name/Address
- ☐ Beneficiary

## Other Income Producing Assets

- ☐ Description
- ☐ Company

## Debts Owed to Me

- ☐ Description
- ☐ Debtor Name/Address

## Tangible Personal Property

- ☐ Description
- ☐ Date of Purchase

## Debts

- ☐ Mortgages
- ☐ Loans (insurance, bank, personal)
  - Description (Loan or Account Number)
  - Creditor Name
- ☐ Credit Cards
- ☐ All Other Debts or Obligations

## Agents

- ☐ Executor (and Alternate)
- ☐ Guardian (if you have minors)
- ☐ Power of Attorney - Healthcare
- ☐ Power of Attorney - Financial
  - Names
  - Addresses
  - Phone Numbers
  - E-mails
  - Relationships, if not spouse



# ESSENTIAL INFORMATION CHECKLIST

## Professional Advisors

Name/Practice or Company/Contact Information:

- |  |   |
|--|---|
| <input type="checkbox"/> Physician         | <input type="checkbox"/> Accountant           |
| <input type="checkbox"/> Dentist           | <input type="checkbox"/> Broker               |
| <input type="checkbox"/> Attorney          | <input type="checkbox"/> Life Insurance Agent |
| <input type="checkbox"/> Financial Planner | <input type="checkbox"/> Other                |

## Final Instructions

- ☐ Body, Organ, Tissue Donation
- ☐ Funeral Instructions
  - Funeral Home
  - Funeral Arrangements  
Cremation — Burial — Body Donation — I have prepaid funeral arrangements with  
(company, address, phone, paid amount)
  - Preferred resting place
  - Preferred funeral and burial/cremation instructions
  - Obituary (what you would like included)
- ☐ Personal Statement to Loved Ones
  - Take a few moments to think about what you want to say to those you love that a will or living trust doesn't convey: what you feel is important in life, how you would like to be remembered, what you would like the next generation to know or, perhaps, simply what makes you happy.

# ESSENTIAL INFORMATION CHECKLIST

## Distribution of Estate

### Gifts to Spouse/Other

- ☐ Description of asset/percent of estate
- ☐ Contingent Beneficiary Name/Address
- ☐ Beneficiary Name/Relationship/Address

### Gifts to Charity

- ☐ Legal Name of Charity/Tax ID Number
- ☐ Location
- ☐ \$\_\_\_\_\_ OR percentage of net estate  
OR Description of asset

### Residue of Estate

#### ☐ Individual Beneficiaries

- Names
- Addresses
- Percent of Residue

#### ☐ Charitable Beneficiaries

- Legal Names/Tax ID Number
- Addresses
- Percent of Residue

### Gifts of Tangible Personal Property

If your state allows it, you can create a separate list for gifts of tangible personal property that can easily be changed and updated.

This includes personal items that can easily be moved such as furniture, books, jewelry, kitchen goods, china, clothes, art and the like. If the items have a high financial value, talk with your attorney about the best way to transfer them. Whenever you update this list, make sure to make a copy and give the original to your executor or your attorney.

- List Description
- Recipient
- Contact Information

# ESTATE PLANNING DOCUMENTS INVENTORY

## The Essential

- Will
- Letter of Instruction
- Living Trust Documents

## Marriage and Divorce

- Marriage License
- Divorce Papers

## Health-Care Confidential

- Personal and Family Medical History
- Durable Health-Care Power of Attorney
- Authorization to Release Health-Care Info
- Living Will
- Do-Not-Resuscitate Order

## Life Insurance and Retirement

- Life Insurance Policies
- Individual Retirement Accounts
- 401(k) Accounts
- Pension Documents
- Annuity Contracts

## Proof of Ownership

- Housing, Land and Cemetery Deeds
- Escrow Mortgage Accounts
- Proof of Loans Made and Debts Owed
- Vehicle Titles
- Stock Certificates, Savings Bonds and Brokerage Accounts
- Partnership and Corporate Operating Agreements
- Tax Returns

## Bank Accounts

- List of Bank Accounts
- List of all User Names and Passwords
- List of Safe-Deposit Boxes

## Electronic Assets

- Current banking and other electronic passwords in a secure form for your heirs (banking, mortgage, retirement accounts, trusts, email, social media, for example: Facebook or LinkedIn, etc.)



# GLOSSARY OF TERMS

**Administrator** - The person appointed by the court to manage one's estate when he or she dies without leaving a will. Administrators have the same duties as executors.

**Annuity** - A contractual arrangement to pay a fixed sum of money to an individual at regular intervals. The annuity secures fixed lifetime payments to the benefactor and/or another individual.

**Beneficiary** - An individual designated to receive benefits or funds under a will or other contract, such as an insurance policy, trust or retirement plan.

**Bequest** - A gift or legacy left by will, typically personal property or assets.

**Codicil** - A legal instrument made to modify an earlier will.

**Estate** - The legal entity which manages and distributes a deceased person's property.

**Estate Tax** - A federal tax on the value of the property held by an individual at his or her death (paid by the individual's estate).

**Executor (or Personal Representative)** - The person named in a will to manage the estate. This person will collect the property, pay any debt and distribute the property or assets according to the will.

**Grantor** - The person who transfers assets into a trust for the benefit of him/herself or others.

**Guardian** - An individual legally appointed to manage the rights and/or property of a person incapable of taking care of his or her own affairs.

**Heir** - A person entitled to inherit a portion of the estate of a person who has died through an inheritance from an estate. The heir may inherit by the terms of a will or, if there is no will, the heirs are those defined as beneficiaries according to the law.

**Intestate** - The term applied when an individual dies without a will.

**Legacy** - A transfer of personal property by a will.

**Living (Revocable) Trust** - A revocable trust established by a grantor during his or her lifetime in which the grantor transfers some or all of his or her property into the trust.

**Living Will** - Instructions specifying decisions regarding an individual's health if they are no longer able to make decisions due to illness or incapacity, and appoints a person to make such decisions on their behalf.

**Power of Attorney** - A written legal document that gives an individual the authority to act for another.

**Probate** - The court supervised process of administering the estate of a deceased person by resolving all claims and distributing the deceased person's property under a valid will.

**Trust** - A written legal instrument created by a grantor for the benefit of him/herself (during life) or others (during life or at death).

**Trustee** - The individual or institution entrusted with the duty of managing property placed in the trust. A "co-trustee" serves as trustee with another. A "contingent trustee" becomes trustee upon the occurrence of a specified future event.

**Will** - A legally executed document that directs how and to whom a person's property is to be distributed after death.



---

OFFICE OF PLANNED GIFTS  
ST. LAWRENCE UNIVERSITY  
23 Romoda Drive, Canton, NY 13617  
[plannedgifts.stlawu.edu](http://plannedgifts.stlawu.edu)  
315-229-5505