

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

00:00:00 Shelby Grimaldi

Good afternoon, everyone, and thank you again for joining us today. We are so pleased to welcome you back for another program in Kessler Foundation's Legacy Planning Series. Our goal with this series is to share helpful, practical information that can help planning for a future a little bit easier to navigate. Today, we're delighted to welcome Jonathan Kadima for Future Proofing Your Plan.

Jonathan will share insights on wills, powers of attorney, health care documents, and some of the important considerations that help ensure your plans work when you need them. Jonathan, we're very grateful to have you again with us today. Welcome, and I'm going to turn things over to you.

00:00:38 Jonathan Gudema, Esq.

Okay, thank you, Shelby. Okay, it's my pleasure to be back talking to the Kessler audience.

Today's presentation, what I like to do when I do these presentations, I do a lot of consultations with individuals, and this is really a lot of what I do. I also am doing some work for Kessler and some other not-for-profits.

But what I like to try to make this is sort of like a presentation, a conversation I'd have with my clients.

And you could ask questions during the presentation. There are a lot of people registered for this. And so we're a little concerned about too many questions or questions that are not quite applicable to everybody.

So feel free to, in the chat box, add a question and Shelby will monitor those questions or I might see the question. And we may stop and answer the questions.

But in any case, after the presentation, you'll get a copy of it and you'll have my contact info. And if there's anything particular that you really want to discuss, you can just set up a time with me. No charge, free consultation. If you have any particular issue that's particular to your situation that you want to discuss.

Okay, so we're going to, you know, I call it the first 48 hours. That's maybe, you know, I hate to, I don't want to scare people. Something happens. You know, what happens immediately and where are these documents, things like that.

And again, our theme is to make sure that the important documents work as we want them to. And we're going to go through them individually.

And we're going to talk a little bit about just in terms of legacy planning and a couple, also some legacy giving ideas at the end.

Okay. So this is, you know, when we say first 48 hours, a time we do not want to be scrambling.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

So this is just a notice that all of us, myself included, you know, get these documents in order. Make sure that they're, and part of the message is make sure that they're valid and they reflect your current wishes.

And, you know, we know where they are. People who need to know where they are, know where they are.

If there's incapacity, that's really more in the healthcare proxy discussion.

So, you know, healthcare proxy's got a lot of names. I'm going to have a whole slide on it. You know, a living will, healthcare proxy. Where is it? Who has it? Who was appointed to make those decisions?

If there's a spouse, obviously it's almost, you know, 99% of the time it's a spouse.

But again, if there is one, and if you have particular things you want that, you know, in terms of treatment, your immediate care in an emergency, you do want them to be addressed.

So you do want to, you don't want this to be like a sign off, sign a paper before you get into an ambulance.

The other question is if there's some sort of incapacity, the power of attorney document.

You go to an attorney, they'll do a will, a power of attorney, and a health care proxy. At least that's what I typically do for almost all my clients.

Where is that power of attorney document? And the original is going to be very important.

The health care proxy, by the way, I'm going to get more into it, but health care proxy is not as strict a document and photocopies are going to be fine.

But the power of attorney is going to be a little more strict, and we're going to want to make sure that document is going to be examined by banks.

So if you haven't set up a power of attorney, when I say set up a power of attorney, and I'll have a separate page on power of attorney, but a power of attorney document, once someone's been appointed to handle your finances, they actually, if they really need to start using that power, they bring that document to the bank.

And the bank will pick a photocopy of it. They may actually hold the original and give it back in a week or two to you. But they will actually vet the document.

And then you'll literally, you know, you're out of the power of attorney for somebody who lives overseas. I went through a process with Chase Bank and I'm all set up to handle her accounts.

I have online access. I can write checks. I can do everything, anything I want.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

So we'll talk about power of attorney more in depth in a couple of slides.

But again, well, where is the document? And again, same question. Who is the person? Does that person know that they're appointed for power of attorney? And do they have access to the document?

And of course, in terms of death, you know, are there burial plans?

Quite often, people do these things in advance. It's probably a good idea.

I'm not aggressive in terms of telling my clients about it. You know, hey, have you done your burial plans? But really, it's good advice. So I do mention it, too.

Anybody doing planning? I don't mention to younger people doing planning, but definitely when you're 60s or 70s or older, have you thought about this?

It's a big kindness for your family because we know what to do. Otherwise, again, they're scrambling.

Any other instructions? Some people want to donate organs. Some people do not want to donate organs.

Some people don't want to do autopsies. No, no autopsies for religious reasons. Would have no problem with that.

So again, all these things really, you want everything in place.

So again, this is just before we get to the how do we make sure that documents work. We're just making the case you really need these documents in place.

Is there a will? Of course, the will is not as immediate, but at some point, you know, relatively soon you want to know, is there a will? Where? And where is everything else?

Talk about that. I mean, what that means is, you know, all assets and stuff.

And one of the most important things to think about throughout this presentation is, you know, how to organize everything you have.

And so that the people who will be in charge of your assets, if you have incapacity or death, they'll know how to find everything.

Very, very important to think about.

Okay, so let's talk about the Advanced Healthcare Directive, or sometimes called the Living Will. There's probably other names.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

This is the prime document for somebody who will be making decisions for you.
So I combine the two. What I do for individuals, I do a combination document. It's got everything in there.

You know, even some instructions in terms of do not resuscitate. Talk about that in the next slide.

But it's a very, very important document.

It's not as strict as the will and the power of attorney in terms of the execution of the document.

Document can be signed in front of two witnesses or a notary. You don't need both.

You need both when it comes to a will and when it comes to a power attorney. Good idea to have both also.

But when it comes to health care directive, not as strict a document, so it's easier to do.

Of course, who is the named person? And does that person, is this someone you've discussed your preferences?

Because the main document, the advanced health care directive, is the main purpose is to appoint the individual that you're not able to make decisions, that person will make life and death decisions for you, treatment decisions for you.

Does that person know your preferences?

So this is, it's always recommended that if you choose somebody, and you should always have a backup. I think I put this bullet point, is there a backup?

So there always should be a first choice and a second choice.

I recently did one for a family. We had three choices. You know, first choice. Actually, I had four choices.

The spouse was the number one choice, then oldest daughter second, then next daughter third, and then the son was the fourth.

But one aspect about a health care directive, you can't appoint a team. It has to be one person is only allowed to make the decisions.

But if there's a family, obviously that person can consult with other family members.

But it gets a little tricky because if not everybody in the family sees eye to eye, you might want to address that.

So there may be different levels of religious observance, different ideas.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

So whoever you choose to be the prime person will be making, you know, basically the one making decision. Now they may consult with other, their siblings or other family members.

And you want a backup because you don't want a situation where there's nobody. Let's say the person you chose is not available. They can't reach them or they're not.

There's a lot, a lot of ways to be unavailable or not able to do the job.

You want a second person, even sometimes a third person.

In the document, just in case there's, you know, you're in a hospital, you can't make decisions.

On those documents, we actually put email address and cell phone numbers because we may need them to reach the person who's been appointed to make these decisions.

May need them to reach the person who's been appointed to make these decisions.

00:09:19 Jonathan Gudema, Esq.

And it's always a good idea for you to have spoken to them. So if you can do this document, think about it a lot. I mean, you may even ask them, do you know, I'm going to, you know, maybe have a couple of children or other relatives you want to choose, may discuss in advance with them. Is this something that one could do?

And also some of your ideas, whether you want extra measures taken or not. And I have an extra, extra, again, extra slide on that. Some of these documents include, you could put clergy in them.

Now, we always like to warn, we don't, we don't want it. It's not a great idea to put. require a clergy sign off on different things because that could really create a havoc in terms of and we don't want it we really want it very clear that the person you chose the prime person only one person at a time has it has the makes those decisions um so we want to be careful with that um

it's also hipaa release the standard forms i use and i think most usually should have what's called a hipaa release so that the person you chose To make decisions also can be a recipient of your health information.

But again, we just want to make sure that it's a broader document. Witness or notarize a mention ready, it's either or. You could have it notarized or have it witnessed. You could have it both.

Why would you do both? You would do both if you really were concerned that, if you were concerned about, one of the family members fighting and or challenging the person you chose, then you might want to do both, both witnessing two witnesses, obviously unrelated to you and a notary.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

I'll be honest with people. I don't think people like to address these documents or life and death documents. And it's a little, you know, people, we have things we like to avoid, you know, number one, we like to avoid lawyers or doctors or dentists. And, you know, right up there is dealing with our own mortality.

So, you know, this is related to that. So people don't like to address these things. We did it a bunch of years ago. I've got the documents. Well, has anything changed?

Are the people still there? It's not an expensive document to do. You could probably get a free one online. Certainly the hospitals and medical places have them and or religious organizations do also have them. So I know all about them.

So, again, if there's anything changed, not a bad idea to do a new one. It's, again, not so complicated to get one of these done. You could do it yourself. I don't, you know, when it comes to the will, the power of attorney, I'm a lot, I'm more nervous about individuals doing it themselves.

Not that they couldn't get it right, but the healthcare directive, advanced healthcare directive, healthcare proxy, living will, again, all the same thing. That you can do yourself. So if you're worried about it, you say, wow, I'm going to update it. Take a look at it. Are the people, are the same people who you chose? And OK, so this is going to be a theme of today.

00:12:30 Shelby Grimaldi

So, well, who's got the document?

00:12:32 Jonathan Gudema, Esq.

Now, I already mentioned the health care directive proxy living will that you can make photocopies of and give out the photocopy to your chosen person and the backup. So they actually have the document.

Not a bad idea for not just for this, for other documents to think about where are your really important documents going to be held and and who knows where they are and who has access to them.

So if for some reason even if you give it to somebody let's say you give it to your daughter and uh but let's say she can't find it so you definitely want to keep your important documents you want to have health care health care directive uh there so that you know in an emergency it could be found and we'll know where to go and get it

i just i had recently uh i had never had dealt with this but i recently had a client of mine and we did some papers did a power of attorney, did a health care proxy and a will.

And then we also did a PULST, a practitioner orders for life -sustaining treatment. So I had never heard of it, to be honest. But my client said to me, well, look it up. So it's actually a New Jersey PULST. It's a form. It's online. You can get the form.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

And essentially, your doctor will sign it. You sign it. Have it notarized. I think you have to notarize it. But anyway, you sign it and then your doctor signs it. And this is basically, if you don't want them to perform CPR, ventilators, other life -sustaining treatments, and it's assigned by your doctor, they're going to have to follow it.

Now, the client of mine is a pretty bright lady. She's really pretty sharp. And she said to me, because she had worked in the medical field, and she said she actually keeps it with her. She carries it with her.

So because, again, if the document is not available, if you end up in an ambulance and taken to a hospital and you don't have that document, chances are they're not going to know. They say, well, I have a pulse. They're only going to look at it if they actually have the document.

So she was very serious about that she did not want life -standing treatment, and she kept it with her. Again, I'm not suggesting that you do that, but, again, that's something. If it's important to you, you could do that. The DNR, do not resuscitate.

The pulse, for sure, would cover that. Or the DNI, do not intubate, need no breathing to. Also covered by the pulse.

Also, the healthcare proxy has, the ones that I use, they're all pretty standard, does have special spots. Again, you can make preferences in it. But if this is something that's very important to you, that you... The Pulse is something to look into. You can look it up online in NJ Pulse.

I probably can, you know, in a follow -up, I'm going to do a follow -up email to everybody just if anybody wants to have a conversation with me, I'll make it easy for you, but I'll try to include the form. It's a standard form. It's not something us lawyers have to make up.

Okay, so let's talk a little about the power of attorney. Again, the power of attorney, let's just define it clearly. Power of attorney is the document. that you are appointing another individual.

This now could be more than one individual. It could be two people together jointly. And you could actually require them to be in agreeance before they do anything.

So you're actually appointing somebody to stand in your stay for financial matters. Now, when you do a power of attorney, so again, let's give examples. I am a power of attorney for a client of mine. She lives in Israel.

Once we had the document to finalize, it could be very, very strict scrutiny over that document because that document basically gives me complete and unfettered access to her money. I'm basically her. I can write checks. I just write, you know, Jonathan Coutinho, POA Sarah Smith, whatever the name is.

I actually have online access to her retirement. funds to her a bank so it's a very important document.

Now it's not a document that you want to be using right now if you're well you don't you know you don't want

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

someone taking your power of attorney and running around and you know have complete access to your funds this is only when you're incapacitated.

So but as you can i'm hinting but let's let's be clear about it obviously you have to think very think a lot about who are the who's the person you're going to appoint as a power of attorney and one other thing before i get to the bullet points.

00:17:07 Jonathan Gudema, Esq.

A lot about who are the who's the person you're going to appoint as a power of attorney and one other thing before I get to the bullet points Who's going to have this document?

Now, if you go online, you could find this. There's different types of power of attorneys. There's a durable power of attorney. When I talk about power of attorney, I'm only talking about a durable power of attorney. That means a durable power of attorney is a law school term. It's immediate, effective.

At the moment, we signed it, notarized it, and witnesses. Because for power of attorneys, I do both. I think most lawyers would agree with me. Even though, technically, I think you can get away with one or the other. I don't want to take a chance when it comes to power of attorney.

But the documents, the way us lawyers do it is a durable power of attorney. There's another one called a springing power of attorney. I think something, basically one that only comes into effect if you get disabled. You say, well, or you have some, you're incapacitated.

You might say. Why wouldn't I use that one? I don't want to give my son access to my account unless I can't make this anything. I'm unconscious or in a coma or something.

Well, the problem is that with that type of power of attorney is that you'd have to get a court. Basically, you have to go to court. Somebody would have to go to court to prove that you are incapacitated.

00:18:28 Jonathan Gudema, Esq.

To the point where the power of attorney can basically you're going to spend someone's going to spend thousands of dollars and time might be of the essence so it's not as urgent as the health care proxy because health care proxy life and death decisions are going to be made and they need you in place person in place right away

but the power of attorney uh can be very very important and i i like to tell people that you know i hope that you'll never use this power of attorney this will never be needed that you will be You will be in good shape and you won't need it.

Or the other things can replace it. And we'll talk about that later in the presentation. Other things will make it obsolete. But in the meantime, you still need it. So look at your car. If you have one, look at it closely.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

Now, I did a lot of, I've done some work for a continuing care community in New York State. And one of the things I did for them is I met with all their residents. The people stay, move in. At a certain age, in their 60s, they stay through and they couldn't even go to a nursing home level of care.

And they're very important there that everybody have a power of attorney set up so that something happens and also health care directives. So I started reviewing everyone's documents. And these were done without lawyers.

It's not a promotion of, hey, lawyers are great. But it was pretty clear that they missed a lot of things. They didn't. Either signatures were in the wrong place or wasn't really notarized or maybe it wasn't witnessed properly or they just didn't sign it in the right direction by place.

Or maybe there's a power section. So every power of attorney is going to have a whole list of things. Again, the banks are going to be very particular when it comes to power of attorney. Because, again, they're on the hook. If they make a mistake, accept the power of attorney that's somehow not valid, they could get sued.

So there's a list of all the different... potential items that you're giving people the person power over and you have to initial every little spot or that they'd be some forms to let you initial once for all them but I just tell people initial every spot but I've seen power attorneys did who were never initialed it's just they didn't realize it um

of course is reflect your current wishes again power attorney is a little more sophisticated document and we can have you can pick a first person a second person you can pick two people to work together you can pick a second set or you can we sometimes I put in there we have a first and second choice to work together if one of them can't do have a third person chosen to step in and you know so there's different again a lot of different options uh

but again the key is it reflects what you want and of course the person um You should know that they are the power of attorney.

I usually tell people, typically there's no immediate health issues, you know, your chosen power of attorney, you should know that they're going to be the power of attorney if need be. But I wouldn't give them the documents because, again, that could cause problems.

There are, I don't want to go too far into it, there are some times when, and typically in multiple children in a family, where they don't necessarily get along. and one child does a little more direct access or maybe more involved in the care of the older parent and then starts taking advantage of the power of attorney. So I have a case.

I don't want to get into the details, but, you know, it can be very upsetting to the family if one takes, you know, because basically somebody called me about this not that long ago, a friend of mine, and she described a situation where her older brother had basically raided, you know, blocked everybody out of... the father's account, and even locked his father out of his own accounts. He didn't have real access. His father didn't have access to his own accounts, not online access.

The older brother controlled everything and had taken money. And I said, well, and they said, well, we want to sue. I said, but he had a legal right to that money. He had a legal right to that money.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

So that's a big, a bit of a challenge. So again, yeah, try to think about it. And sometimes, I think a lot of times we do, if my client's not sure, I say, Johnny.

Maybe two siblings, nobody can just go ahead and just start taking money out the other. If you've changed states, by the way, if you want your document to work, you should be a power of attorney in the state you are living in.

So let's say I've had clients who came from New York to New Jersey, New Jersey to New York.

I had a case, I learned the lesson because I had a case where somebody came through, they had moved from New Jersey to New York, but the power of attorney was not accepted by the leasing company, by a car lease or whatever it is they need to handle for the parents.

Just not accepted it just in the end the parent had to pass away and then um you know then they just hand back the lease um.

Okay I like the the person who you're choosing to have the original when they need to use it again but just it should be where your important documents are and this is really to you know we want to future protect we want to make sure that our documents are a good one know where they are and who has access to them and does you know your power of attorney at some point will need the original should have the original uh

00:23:06 Jonathan Gudema, Esq.

And if there's any questions, you create a new one.

Again, you really should use an attorney. Because you could do this. You could buy one. You can get online programs. But, again, you want to make sure it works. And, again, this high -level scrutiny of the power of attorney. Yeah.

And if there's already issues, you really already want your chosen power of attorney to be involved, to take over your finances, they literally can go ahead and... give to them then go to the go to the bank and the bank uh hopefully will accept it unfortunately sometimes banks are very strict on this

okay so i just want to just show this i don't have to go too into this it's just so a lot of the issues that we deal with um you know well this is a good question how do the assets transfer after death

and now your will just the number one here Anything that's still in your name that doesn't have any adjoining account or doesn't have a pay on death or some sort of beneficiary, that is going to be in your name to have to go through probate.

Now, probate is, you know, the will is filed with the court. New Jersey is pretty simple. It gets more complicated than New York. I'm not sure about the rest of the state, but it can be a big, big problem.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

There's a probate process. There's forms. There's notices. You may maybe pay off debts. And then once you go through at least a nine -month period, at least a minimum before you can really start making distributions to heirs as directed by the will, and depending on the size of the estate, it could be quite a process you might need to have accountants involved.

00:25:02 Jonathan Gudema, Esq.

And I've actually coached people through it. I've done it myself, obviously, as an attorney. But I've also, in New Jersey, I feel you could do it yourself if you're on top of things. But again, it could take time. It could take cost.

The best planning, by the way, is that you won't even need a will. Now, you need a will.

I'm going to talk about that in a second. But if you do your planning right, the best thing for your family is not to have to deal with probate.

And I'm a lawyer who makes money from probate. You hire me. Actually, I don't even do probate. I don't do that type of work.

I generally work with individuals creating wills and trusts and things like that. Other law firms specialize in probate. It's just not my thing. But in any case, I still think the best planning, you won't have any probate.

Sometimes there's no choice. There's a house that's still in your name. But there are things you can do.

Number one, number two, is if you have a beneficiary designation, it skips probate. So, for example, on bank accounts, let's put your bank account, you can have either a joint account holder or pay on death. And that's important.

So let's say your person you want to pick as your parapetra.

Let's use my mother and my sister. So my sister is really the one managing my mom's stuff. My sister's a joint account holder on all of her accounts.

Now, obviously, if I didn't trust my sister, that would be a little problematic because when you're a joint account holder, similar to power of attorney, but even stronger, the money is literally my sister's. I mean, she literally can put money in and out of my mom's accounts.

But that is the best. There will be no, regarding my mother's checking accounts, investment accounts, just not until retirement accounts. just regular investment accounts. My sister is a joint account holder on all that.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

00:26:50 Jonathan Gudema, Esq.

And then retirement accounts. Our retirement accounts have a beneficiary designation. You want to make sure those beneficiary designations are up to date. And again, so it will not be subject to probate.

It will just go through a paperwork process with the company, whoever has the IRA, maybe Vanguard or whatever. They'll send out some forms and then somebody will inherit your IRA or it's charity. You could leave the Kessler Foundation. uh some are all of an ira or any of these things um

so a lot of your state could actually be divided through beneficiary designations and then and then lastly i mentioned started mentioning joint ownership again not subject to probate joint ownership of a house

so this comes up pretty often i just spoke with somebody yesterday she's not she's probably around 70 years old so she's not that old she's still working uh she's leaving her house to her son

You know, I discussed her. I said, well, you know, she wants to make sure her son inherits the house. If she didn't have a mortgage on the house, I think we would have done, we would have changed the title of the house.

Not that the son owns it completely. We would have changed it to what's called a retained life estate. And then so that she would have a complete controlling right to live in the house during her life. But upon her passing, it would automatically be owned by the son.

The only complication would be if she needed to sell the house, she'd have to work with her son because the son basically would have owned it.

But she had a mortgage. So for that situation, a mortgage, you can't change a title without having the mortgage called. So in that situation, she's just doing a basic will.

And if something happens to her, the next couple of years, her son will be the executor and he'll change the title of the house through the probate process.

Okay, so let's get back to her will. She still needs a will.

Even though I'm telling you that... If you do your planning right, almost all your assets could be addressed through those means I just mentioned. Changing title, beneficiary designations, joint account holding.

But at the end of the day, you still need a will. It doesn't have to be so complicated. If you have one, take a look at it. Again, it has been signed properly.

I've seen wills. Again, do -it -yourself wills. There are a lot of free will opportunities out there. There's a company called Free Will, but there's other.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

Places that do charities, in fact, that I work with, do sometimes promote platforms that give you free wills. But I like to tell them that's a good way to help you work on your will. You still should get an attorney to help you finalize the papers.

Sometimes there's missing. So anytime I do a will, for example, I have the actual will signer's initial and date by hand every page of the will. Because again, we don't want any... Any question about whether the pages were slipped in or some sort of changes there could happen.

Does it reflect your current wishes? I actually had a situation not long ago where I referred to another attorney where they had a will and they did it with a lawyer, but then they didn't go back to the lawyer.

They just signed it without witnesses, without notary. It was just pretty useless, unfortunately.

So, of course, there's a will print. You reflect your current wishes, particularly the executor.

That's really crucial. That person will be the person in charge of making decisions, finding all your assets at it. And again, that's just important.

Or your beneficiaries, individuals, or again, charitable institutions, there's always a possibility.

Have you moved states? Even though, again, you can look up a line, well, yeah, an out -of -state will should work. Not necessarily. I'm just, I wouldn't take a chance. It's not that expensive.

I'd go ahead and do a new will if you'd move states. It's just, again, there's no guarantee. Maybe you could appeal to the court, well, this is their last will, but they happen to move.

But again, you don't want to take a chance that the probate court will reject it. They do reject things like that all the time.

Again, double check your executor, your beneficiaries. And then back to our same question, where is it it can be accessed by those who need it? I'll talk about options in a second.

And also, does it include a self -proving affidavit? So any lawyer worth anything would have what's called a self -proving affidavit on a will. And if you use one of the programs out there to do your own will, you should have it. You always need that.

And it becomes a big hassle because self -proving means you have to sign the will in front of two witnesses. They should not be related to you, and they should not be beneficiaries of your will, by the way.

and you have a notary, a second page, who notarizes your signature and the two witnesses' signature. And it's a big enough headache to get two witnesses, let alone now you have to have a notary in the room.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

But if you don't do that, then your will will not be accepted to probate unless the actual witnesses are tracked down and give a confirmation of their signatures on your will. So we don't want that. That is not likely to go well for us.

If there's any questions or any issues, if it's a very old will and not even clear the original or not, just get a new one. Just do a new one. It's worthwhile. It's not a huge investment.

Okay. I mentioned beneficiary designations. Again, we want to look at them all very, very closely.

I guess the big challenge with beneficiary designations, if you have multiple beneficiaries and you want to leave everything equally, so you have to look at all these accounts and try to make it equal.

I've seen situations where I had one situation where everything was supposed to be left to a bunch of children, a big family, but I think he only had room for the oldest two to be listed as the beneficiaries.

And then after he died, the bulk of his estate was that beneficiary designation that two oldest children did not agree to divide up among their siblings.

So we want to make sure that everything is equal if we're doing equal distributions.

I'm going to read this question out loud. Thank you for asking. If I have to go to a nursing home, how do I keep them from taking my home, which I want to leave my two children?

So that's a question I think you're going to have to reach out to me individually because that takes some planning. Because if you end up in a nursing home, and assuming there's no spouse, and you basically end up on Medicaid, Medicaid will have a call on your property, so they'll come after you.

They basically can... can collect, um, from your, from your, whatever you own and clean your house, which may, you know, uh, so you're probably, you know, depending on your age, you, you, you could do some things to protect the home.

I mentioned something called a retained life estate, but that's, this is something you could, uh, you'll get my email. You can reach out to me individually and I can use some ideas to think about.

Yeah. Yes. The person who asked the question, I have Medicaid, Medicare, 75 years old, but, but yeah, but Medicaid is the bigger, the bigger question. Everyone has Medicare, but Medicaid is a big issue.

Okay. Okay, so looking back at our beneficiary designation, make sure that you have them, you've done them, they're submitted properly, they're recorded. Everything's online these days.

Not a bad idea to print out that beneficiary designation page and include it with those special papers that I'm going to talk about, you know, where we put them. That would be a great idea.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

Of course. Make sure that your estate division, the way you want it, again, it could be very tricky and you could have a lopsided estate where most of the assets go to the people you didn't really want to give them the most something to. So you want to be careful on that.

00:34:23 Jonathan Gudema, Esq.

I mentioned a big chunk of your estate, it could be a majority of your estate, could be governed by your beneficiary designation. So besides talking to me, the lawyer, you really want to look at your accounts.

It's a good idea to consolidate things. We'll talk about that in a second. Of course, update those beneficiary designations and keep the proof. Print out, if possible, the current beneficiaries on your accounts.

Just a little printout so that somebody knows they're there. Apparently, there are definitely insurance companies. They love to not notify people. Insurance companies know if you passed away for sure, but they love to not notify you. that notify the beneficiaries.

So you want to make sure that someone in your family knows who the beneficiaries are.

Yeah, somebody mentioned you have that down. How do I, how can I download these document blanks? Can I fill out the amount myself and have them notarized?

So again, that's a question you probably asked me throughout. I'm not exactly sure where you're going with that. But yeah, again, you can always reach out to me.

Okay, other steps. I think this is important in terms of making sure your plans go as planned. The things you want to do, people you want to support.

You want to have some sort of inventory. It could be an Excel spreadsheet. It could be handwritten. The more information that your family has, the better. Because after you're gone, or even when you're not gone, but you're incapacitated, where is everything?

And the more consolidation, the better. Password managers, I don't have an answer for this. There are things called emergency access digital legacy. This is something to look into.

I guess this type of technology gets me very nervous too. I'm not, you know, I'm already, I've already outlawed, you know, I'm already old enough to that. I just can't keep up with it.

But there are some digital password managers that also, if something happens to you, the right person gets notified. or has access to your passwords and stuff. But passwords change constantly, so I don't know how that works.

But something like that's a good idea. And that special place for your will, power of attorney, health care, even health care directive, fireproof envelope.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

My mom, one of my mom's close friends, he's 90 years old, lives in a fire with her boyfriend. They just, her entire house burnt down. They just lost that entire house.

There's a plug -in, plug -in. the golf cart i don't know start a fire destroy the cars and everything else they've got and i don't you know they she's obviously gonna probably need a new will

i mean i don't want you don't want to think about a you know a fireproof envelope but i actually use fireproof envelopes and um that's not a bad idea and you know it sounds a little excessive but in that case it would help

and the other point just to keep in mind it's a great idea to discuss these things with your loved ones particularly the ones you are choosing to have a role

And this is just a tab. You're going to get this. This is just different tabs in Excel inventory, possible inventory.

Now, there's a product I mentioned called a knockbox. Somebody introduced it to me. And actually, they sent me. I have one at home. It's a box. It's a folder. It's a fireproof file box.

And it has all these folders in it for different estate planning documents, banks, retirement. So the more you can do, the better in terms of your family and knowing where things are. Again, that'll be a big help.

So a question about inserting conditions on a beneficiary designation. So that's a little tricky. Again, that's something I'm going to pass on that question because it's probably a little too much detail for it.

But the question about how do you put conditions on your beneficiary designation, that really depends on the institution. So you have to call the bank or investment company and ask them if you can put conditions in there.

Okay. Question. Everyone said, well, let's put my will and power attorneys in the safety deposit box. Not a great idea. Actually, a very bad idea.

If the person who you're appointing doesn't have actual access to the safety deposit box, they'd have to get a court order. That could take time. And that could take weeks. That could take months.

And I've dealt with situations where safety deposit box, they never even got into it. And they just went ahead and filed the estate without a will or used the wrong will.

And by the way, I didn't mention it, old wills. Once you have a brand new will, it's a good idea to destroy your old wills.

Why? What if this will fails? It is true. If the will, for some reason, doesn't get accepted, the next will can be submitted.

But the problem is if you've changed the beneficiary designations and you have two wills, two or three wills,

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

people don't like to throw them away for some reason. They spent a lot of money on them. They spent thousands of dollars sometimes on them.

Whoever finds those wills can choose which one benefits them the most. And there's no way to police that. And they will just submit the will that is the best one for them.

So take the deposit box. Only a good idea if you're a chosen executor or power attorney person to help you handle your stuff if you have some sort of incapacity or death is on as an actual owner of the box, co-owner of the box. That would be okay. Otherwise, not a good idea.

00:39:54 Shelby Grimaldi

A good idea.

00:39:55 Jonathan Gudema, Esq.

Now, it used to be attorneys kept them. I used to keep some of these documents from people. I don't like to do it anymore. I don't have a full-blown law firm. I'm just basically a solo guy.

I work for Family Wealth Office also. And I do work not-for-profit consulting. So I basically tell people I would go to the law firm.

And too many stories come out. Oh, the lawyer passed away. Can't get the documents.

So in the olden days, the lawyer, it was a whole trick, you know. You do the will for people. You, the lawyer, keep the original. You give the client a stamp, certified copy. There's a copy of the will. And come back to my law firm.

Something happens. Of course, the law firm wanted the business to do the state administration, which they make a lot of money on. And then, you know, it just backfires.

And again, I'm doing the will for somebody. And exactly. They said they went to check with their lawyer. The lawyer's no longer around. And they can't track down the document, so they need to do a new one.

I mentioned the knockbox. Next of kin. N-O-K. Next of kin. You can look it up on Amazon. For less than \$200, you can get a fireproof box file. It has organizing it for you.

Of course, your power of attorney, health care proxy should be together with these. And so the key is, you know, who knows where they are?

I suggest, you know, have a place. Tell your children, whoever the people who need to know where they are. This

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

is exactly where it is. You don't necessarily have to give it to them.

I wouldn't, particularly that power of attorney, I wouldn't give them the document prematurely.

00:41:29 Jonathan Gudema, Esq.

Yeah, and the person should know. Whoever that choice is, does the POA, power of attorney, health care proxy, or exactly know what to do with the documents?

Again, not a bad idea. Prep them that they know there's something to be done.

All right, so I just want to talk a little bit about, and we're going to run out of time, of course. So I'm going to mention here.

If you, if you, and a lot of people, I do a lot of simple, I call simple living trusts. Simple living trusts is another level of estate planning.

It basically allows you to, and again, it adds another level of protecting the future. But you create this trust that has your, your social security number is the tax ID number. So it's essentially, it's revocable. You can always change it. You can always take the money out.

You create accounts with the name of the trust on it. You call it the John Smith trust, something very simple. It avoids. The court probate part of it, there still needs to be a trustee who steps in.

You're your own trustee while you're well. And then upon passing, it avoids probate. That is helpful.

But I think it's also helpful because you've already started your estate planning. And also, this works with disability.

So if there's a disability, you're a secondary trustee, your person like your executor or power attorney. That person steps in as a trustee, the trust, can manage everything you put into the trust.

But of course, a trust doesn't mean much until you put assets into it. So I create trust for people and I say, okay, now you need to create, change bank accounts, change investment accounts, even change title to real estate. And I've been doing that a lot.

So that is another level of ensuring that things go the way you want them to.

And just, yeah, this is, yeah, if you take this seriously, you put as many assets into that trust, you're still a taxpayer. So you're still in control of it when you're well.

But if there's disability, some sort of lack of mental capacity, you're all trustee steps in. We can put a third party to

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

make that decision. So we can add a lot to it.

And I call it stronger than the power of attorney. And of course, upon your passing, you can make changes. Very easy to make changes, which is very nice.

And then it's combining both this possible disability and reducing probate. And again, add the level of privacy. Probate, technically, anybody could look up probate actions and find out what's going on. I do it all the time.

So this is somewhat advantage of a living trust.

00:43:46 Jonathan Gudema, Esq.

I'm not going to spend time on this today, but again, if there's a possible concern about Medicaid spend down, you have to do these trusts five years in advance of having to possibly need Medicaid. Just put that in there. It's a five. You look back.

So if you go ahead and do it at your local Medicaid Asset Protection Trust, I'm doing this for my mother -in -law. She doesn't have a lot of assets. She's well. She's just turned 80.

But, you know, we're putting as much as we can of hers into this trust. She's going to continue to get the income, but she's not a beneficiary beyond the income of that trust.

And again, after five years, if for some reason she needed to go into a nursing home, Medicaid could kick in without having her to spend down. those assets that are in the trust. But again, got to be in the trust.

And you're going to have a copy of this. And again, always reach out to me. And then I can talk about this.

This is even more advanced about avoiding state taxes. I'm going to skip it. But again, if you have more than \$16 million of assets, worthwhile to talk to an attorney about higher net wealth, state planning. I'll put it that way.

And I just want to mention, we talked about this in previous presentations. If there was a disability, because I was the Kessler audience, we did a whole presentation on this.

If there's something called a first party special needs trust, that's if an individual who has on SSI and Medicaid gets sort of settlement, some sort of outright inheritance, this can preserve the SSI Medicaid.

But the key with the first party, I'm going to show you the third party in a second, third party, first party trust version of a special needs trust, Medicaid payback from the remaining assets after death is required.

Flipping to the next one, the third -party special needs trust. We did a whole presentation on this, so you can go back to the presentation or you can reach out to me.

If you're thinking about inheritance to an individual who, again, is on SSI and wants to maintain Medicaid eligi-

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

bility, you can put it into a trust. There's a NJ plan.

New Jersey, there's a lot of agencies that manage these things for individuals, both first -party and third -party.

Again, the special needs trust is a great way to take care of individuals. And the third party allows the remaining funds, after the passing of the person you want to take care of, extra funds for their care, to go to other named remainder beneficiaries.

Okay, again, I talked about rewarding probate. Again, we can avoid probate through beneficiary designations. We can retitle property.

We can make sure that the second person on the property is joint tenancy or the right of survivorship. Again, these are just joint ownership.

There's a tendency by entirely that's for a husband and wife. That's generally a very protected type of ownership. So a creditor of one spouse cannot access the account.

But just beware, just let's mention, it happened to me. If you get sued, and you say, oh, they're only suing me. They can't take my house. That's true. They can't take your house.

But once you get a judgment against you, they file that judgment. New Jersey gets filed, and you cannot refinance or sell a house. without you know get a new mortgage without paying off that debt

so i learned the hard way uh and how to pay off something that way uh just me personally uh

in a community property uh that's in a community property states california i've never done any work in california but again it's a similar situation uh

retain life estate i just mentioned that that's where uh i like to suggest a retained life estate in a situation where there's a house some sort of real estate you're living in it you retain the right to live in the rest of your life but your children or whoever you want to get it after your death are the remainder owners of the house.

And that could start the five -year window for Medicaid. So quite often we do this. It doesn't change anything of your lifestyle, but after five years, it's already past the five -year look back for Medicaid.

And again, the house will be completely protected. So that's, somebody asked a question earlier, depending on the circumstances, maybe retain life state as a way to reduce, you know, avoid probate, but also protect assets from possible Medicaid.

And of course, outright gifts, you can give out, you just give it away.

I think choosing the executive and trustees, if you have an obvious choice, let's say my mom is easy, my sister, and I'm the backup, and I'm a lawyer, and I let my sister do it. She's an older sister.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

But if you don't have people, and I do have people say to me that just don't know what to do, if you don't have a trusted child or close relatives, this is very hard.

Now, what about naming, and this comes up a lot, what about naming a not -for -profit or somebody a position at the not -for -profit?

If you're already leaving a charity in your will, This happens sometimes. We like to discourage people from doing it, but at the end of the day, it happens often enough, and it's not the end of the world.

At least you know there's professional people who can handle this, and they'll just hire a law firm to go ahead and do all the technical stuff, and they'll just distribute the estate as required by law.

You should not be naming your attorneys. People do ask me if I can be trusty or not. I have not said yes. I said, let's go back. Let's try to find somebody who's a little more appropriate.

Uh, the other option really is a professional, like a trust company, um, not law firm. I wouldn't go to law firm, but I'd mentioned it is a possibility, but generally speaking, you try, you should leave law firms out of it.

Financial institutions, financial institutions are usually connected to trust companies. So again, um, I'm looking into that for some clients of mine who we think will need a professional, uh, um, professional trustee to be involved.

What if none work? I don't have an answer for you. But you really have to investigate. And maybe you just have to just try to find somebody.

Worst case scenario, if you have no heirs or your heirs aren't able to do this, maybe a not -for -profit that you're close with. If you're leaving any money.

You should communicate your intention. You should communicate this. It's not only binding, but it's important to avoid family disputes.

Okay, a letter. It could be a letter. You could do this in person, a family meeting. You may change your intentions. You go back, you know, go back to your dream, change things.

But again, you try to keep communicating what's going on. And don't wait till, yeah, don't wait till it's too late to straighten out family relationships.

I always mention this, but, you know, quite often relationships are just hard to fix. But again, if you're able to fix things, this is just more legacy, legacy.

So this is my summary. I'm going to get, yeah, I think we're going to wrap up in five minutes. All right.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

So, you know, I'm 58 years old. I have three grandchildren, so I'm already moving into the legacy phase of life. I babysat my grandson for an hour today, this morning.

As I get older, I've been in this field for 30 years, but as I get older, it becomes more relevant to me personally.

Get your situation in order. Clean up your act. That's for me, because I'm working multiple jobs at the same time.

Relationships, I think my relationships with families. good but again sometimes it's a big issue and sometimes it's not fixable uh and i and i appreciate family trips you know i'm becoming more you know my my parents my father's 90 my mother is 87 i mean they live for seeing the great -grandchildren that's like you know that's it for them

any any opportunity is a major thing and uh you know take take trips we don't do cruises but sometimes people love cruises a great family a multi -generational experience

But then lastly, and this is why I just wanted to mention, you know, obviously we want our legacy mean to be something that, you know, we've worked our whole lives. We have assets. We've done different things. We have different things we believe in and values that we want to continue or community impact.

So this is where you start thinking about legacy, charitable legacy giving, including charities also in your plans. It's a good idea.

And then I put this slide as a friend of mine. He's a guy named Scott Pollack. I'm not promoting him per se, but I'm saying a financial planner.

So a lot of the things that we discussed today, keeping the inventory, if you've got some investments, you can find a financial planner.

But when I say financial planner, I mean somebody who will help you look at the entire picture, not try to sell you more insurance or more annuities or whatever, but somebody, actually, since I know him well, this guy and other good financial planners will basically take help you take care of that inventory because they'll help you uh put it all together and plan

so depending on your age you know it could be very good so i just put this little thing up there but finding a good financial planner is a very good thing

okay so your legacy think about it you know is your planning in order again are you what you want your wishes will they be fulfilled i mean again the more we can do in advance the better wait too long can be a challenge

unfortunately the the whole state world is quite can be chaos can be years of battles i mean it's really just very very painful um the there's too many cases in my head to talk about uh the pain that family pain and really just unfortunately unfortunately i suspect that sometimes family relationship issues are boiling and then something goes on with the estate and it just becomes a permanent break sometimes so we want to try to

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

avoid that if on all possible um if we're a fixed relationship that's awesome um And memories, trips, communicate your life messages to loved ones.

And I just always, I came from the plan giving world. So I always mentioned you can include charities. You can include Kessler Foundation. You can include other charities you care about in your estate plans. A lot of ways to do it. Lining that is to be preserved for the future.

So I'm at 157. I think I'm going to do is I'm going to move ahead.

I'll just mention here, you can include charities in your will. You can put it as a beneficiary of an IRA or life insurance or other accounts.

There's something called charitable gift news. I'm going to skip charitable gift news today, but if that concept of creating a lifetime annuity for yourself with the remainder to a charity sounds interesting, you can reach out to me because I want to get to the last questions.

You can give real estate, art, jewelry, other things of value. You can give it to charity if you want.

IRAs, and of course, as I mentioned, IRAs are great planning opportunities. Everybody's got IRAs. You can make direct charitable gifts out of your IRA.

If you're over 70 and a half and older, you can give up to \$111,000 to a charity. And that also counts towards your required minimum distribution.

Now, required minimum distributions don't start until age 73. So let's say you're 73. Once you're 73, instead of taking the money to yourself, if you don't need it, you can give it to charity, \$10,000. Whatever it is, no tax is a direct gift from your IRA to charity.

And it's a very good opportunity. Some people call a charitable gift, but I'm going to skip it because I think we sort of run out of time.

And you can make IRA beneficiary destinations are a nice, easy plan gift. I'm going to skip this last slide because it's a little complex.

Here's my last slide. So the earlier you start, the better in all this type of planning.

I do recommend, you know, downsizing, consolidating, organize. My sister, she's great. I actually, I thought about, you know, she's semi-retired work-wise. I've thought about having to work with me to help organize people's estates.

I can't do it. I'm completely disorganized, but she's very good at it. So she's consolidated all my mother's, all the different IRAs and bank accounts.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

You know, after 40, 50, 60 years, my mother had like 20 different accounts. She got them all onto one roof. and it's much more manageable uh

the next akin box look it up on amazon and okay box it's kind of a nice if you're if you feel you can handle that you know so it gives you a file cabinet in a fireproof box if you want um

and think about the things that uh mean the most to you values that mean the most to you and your message to love the world you know by doing this you want to think about it hey i want to be remembered how am i going to be remembered

all right and uh Just a little note here. I'm no charge. You can set an appointment to reach out to me. I will give you the PowerPoint. It has my contact info.

Okay, last two questions, and then I think we'll end it there unless somebody reaches out.

How do we state that we don't want one of our children to get any inheritance at all?

Well, there's a couple ways to deal with that. First of all, it's a good idea. I mean, it's a great question because... It raises the question, who has a right? What individuals in your sphere have a right to challenge your will, challenge your estate?

Only the next of kin, which legally would be your children. Now, if you have no children, it would be next closest relatives.

But you have children and you want to cut one of them out of your inheritance. So this is something that for sure you'd want a lawyer to work with your will.

If someone asks me, I would put the reasoning in the will. I'd also put a clause in the will that should. any children particularly one i've called out for why i'm not including that child in my estate plans um uh to to not to to really get nothing or you give leave them a small amount and say they lose it if they challenge the will maybe it'll work maybe it won't work unfortunately um i've seen too many times um if if if the child is aggressive and you did everything impossible to cut them out of the will everything like that and they're still going to get something because they're going to negotiate a settlement

And sometimes it's really terrible, actually.

So the other option to think about is if you do your planning early enough, beneficiary designations, that they can't challenge.

So if you have other children you're leaving your assets to, and they're the beneficiaries of your accounts, they're joint account holders, things like that, particularly joint account holders.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

Already the person you're putting as a joint account holder literally owns your account with you. That child you don't want to get any inheritance will have no legal ability to challenge that at all.

Now, just keep in mind, there is a three -year rule. Any transfers that happen within three years of death are a little more open for dispute.

And I had literally dealt with this just literally today, this morning, and yesterday, a situation where my main client, the family I do work for, lent a couple hundred thousand dollars to an employee's mother.

And just as a bridge loan, it was a lien you put on a property. And, uh, unfortunately she passed away before she was able to sell the property and the whole, all the plans are thrown into, into havoc.

She had died within three years of this, wherever transaction it was. And it basically left open enough room that the other, other sisters challenge it.

And they basically, I feel bad for the guy and the guy we work with here. He really, they clocked him, him is like hundreds of thousands of dollars and, uh, not, not, not a pleasant situation.

And, uh, so. The earlier you do these things, the better. Again, within three years, there could be definitely a challenge of any transfers.

Okay. And if you have more questions, again, you could set up an appointment to talk to me more about it.

And last note here. Oh, thank you. This was excellent. I'll reach out to you. I'm in the process now.

Yeah. So anyway, thank you, everybody. I think, you know, again, you have my number. My cell phone. Leave a message. My office phone is an automated thing. You can try it out.

Of course, you can reach out to me, jacodima, at kesslerfoundation .org. And you can try to schedule an appointment online. If you have any trouble, just call my cell phone.

And I get a lot of phone calls. I try to answer every number positively, even though sometimes it's clearly spam.

So just say, oh, yeah, you know, I was at, I heard you on the Kessler Foundation webinar, and I'll right away, oh, okay, great.

But I usually give everybody, you know. A 10 or 15 second rule before I figure out who's calling or who's not.

Okay, I think that is it. The presentation will be available, be sent out to everybody as well as the recordings. And I want to thank everybody for being part of this. And I hope this was helpful.

Future-Proofing Your Plan

Making Sure Your Will, POA & Healthcare Documents Work When Needed Most

Jonathan Gudema, Esq.

Legacy Giving Advisor, Kessler Foundation
Principal, Gudema Legacy Advisors, LLC

October 22, 2026

00:59:41

Shelby Grimaldi

Thank you all. And if you have any questions in the meantime, you have Jonathan's email here on the screen. You also have Kessler Foundation's contact email. from your registration link.

So you can always reach out there as well. We look forward to seeing you at our next session and stay tuned for that. We'll talk to you all soon. Have a great way. Thank you.