

SHORT DEFINITIONS

EXECUTOR: The person named in the Will who is appointed by the Court when the Will is admitted to probate. The Executor stands in the shoes of the deceased person and serves as the Personal representative, whose duties are to probate the Will, identify and take possession of the Decedent's property and records, pay the debts and taxes, and distribute the property to the beneficiaries as provided by the Will.

TRUSTEE: The person who takes legal title to assets for the benefit of the beneficiary, and whose duties are to invest, maintain and repair the property for the use and enjoyment of the beneficiary. The Trustee distributes the property to the beneficiary as provided in the Will creating the trust.

GUARDIAN FOR A MINOR: The Will names the person to serve as Guardian of the minor child (under age 18), and the Court appoints the Guardian if the Guardian qualifies (usually must bond and not be convicted of a felony, or be a minor or incapacitated person). The Guardian of the Estate (the Ward's property) invests the property and makes distributions to the minor ("Ward") as authorized by the Court. The Guardian must file annual accounts with the Court. The Guardian of the person makes medical decisions for the Ward and decides where the Ward lives. A married couple may both serve as guardians. Otherwise only one person may be guardian of the person or estate.

POWER OF ATTORNEY (PROPERTY): An agent appointed under a durable power of attorney may act on behalf of the principal as provided by the Estates Code, including a wide range of powers, such as writing checks, making investments, collecting funds owned by the principal, and buying and selling property. The power maybe limited by the choices made in the document. The person appointed should be highly trustworthy.

MEDICAL POWER OF ATTORNEY: The agent appointed in a medical power of attorney makes medical treatment decisions only when the doctor puts a note in the medical chart stating that the principal is unable to make a treatment decision. As soon as the principal regains capacity, the principal makes his or her own medical decisions.

HIPAA RELEASE: HIPAA is a federal law that protects medical information. In a general HIPAA release, the names, addresses and phone numbers of persons who set out. These persons are given access to medical records and discussions with the doctors.

APPOINTMENT OF AGENT TO CONTROL DISPOSITION OF REMAINS: If cremation or organ donation is desired, agents and alternate agents may be appointed to handle the funeral, cremation and organ donation. Each agent signs and dates the document that contains your instructions so that there will be no disagreements about what you wanted.