

What We Know

ARTICLES & INSIGHTS

ABOUT THE AUTHOR



Brett Thompson devotes his practice exclusively to Estate Planning, Probate Litigation, Medicaid Planning, Guardianship, and VA Benefits. He works to ensure that clients' assets and rights are protected throughout their post-retirement years by leveraging his knowledge to counsel and assist clients through all phases of life planning.

Hiking to Zion | Part 2: Planning the Trip

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I'm not a Boy Scout. No one has ever called me a Boy Scout. Their motto is – Be Prepared! As an estate planning attorney, I like it. Obviously, they know something about planning and how it can save your life. Whether you're planning a weeklong hiking trip across a national park or your estate plan: preparation is paramount.

When planning our trip, we had to know where we were going, how we were going to get there, and where we would eventually end up. One of the first things I purchased for the trip was a good topographical map that could withstand a little weathering and use. I chose the National Geographic series map for Zion because it says it's "waterproof and tear-resistant," although I can't prove those declarations are true. I just prefer the maps because they are fairly accurate and relatively durable. Having a good map for your life is important as well, and it too needs to be waterproof and tear-resistant as much as possible. It has to be durable. Durability is paramount to getting through those rough patches, like foul weather and dry springs, or divorce and disability. You want to make sure you have an accurate chart for your course in life to help keep you on the right path that leads you safely (relatively speaking) to your final destination. Just like my topographical map, you want a plan that allows you to predict and to prepare for peaks, valleys, rivers, streams (sometimes dry), ridgelines, and plains. You'll need to be aware of elevation changes along your route and where you might be able to get water and even camp. A detailed map, as with a comprehensive estate plan, can help you anticipate the journey ahead as you reflect on the learnings from your trials and errors, as well as your accomplishments.

In addition to a good map, we needed permission (in the form of park permits) to enter the park and to camp at certain campsites along the trail. The permits for Zion first come, first serve which means you have to log on to the park's website to reserve two months in advance, and the site goes live on the fifth day of each month at 10 AM. The experience was like buying tickets to a Pearl Jam concert in the 1990s at Ticketmaster. The website crashes as the permits go live, and you have to keep refreshing your browser until you get far enough along to book the campsites. I had my cell phone, laptop, and desktop computers all going simultaneously just to have a shot at getting the campsites I wanted. I was lucky. I got two of my top three choices.

Permission is also a key element to proper estate planning. Estate planning documents,

for lack of a better word, are a series of permission slips or permits. Your Durable Power of Attorney gives your agent permission to make financial choices for you when you can't. Your Health Care Power of Attorney gives your agent permission to give a doctor informed consent when you can't. Your Last Will and Testament gives your executor permission to administer your estate, because of course, you can't fill this role. These documents are important because they allow the people you have chosen to be in control, within the law. Without these documents in place, you are at the mercy of the law and a set of default rules that may run contrary to what you would've wanted. Imagine just showing up for a five-day journey unannounced and unprepared. You'd feel pretty foolish standing there with your backpack and nowhere to go. Now imagine having a stroke or even dying without having anything in place to enable the people of your choosing to care for you, your dependents, and your property. Just like the park ranger who will tell you to take a hike back to your car if you haven't got a permit, the courts are going to decide what happens to you and your stuff. Just Be Prepared!

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