

STORAGE AND RECORDING OF ESTATE PLANNING DOCUMENTS

- STORAGE OF DOCUMENTS

Generally, I recommend storing your documents in a safe place at home where you keep your important paperwork. A fireproof box is a good option. I do not recommend keeping them in a safe deposit box as it can be hard for your agent or executor to access if you become incapacitated or after your death.

- RECORDING DOCUMENTS NOT REQUIRED

You are not required to record any of your estate planning documents.

- HEALTH CARE DOCUMENTS

- o Physicians. It is a good idea to provide a copy of your health care documents (Health Care Power of Attorney, HIPAA Authorization and Living Will) to any physicians you regularly see.
- o Hospitals. You can also place such documents on record with local hospitals.
- o Recording Option. We can record your health care documents with the Secretary of State of North Carolina. Again, recording such documents is not required. If we do record the health care documents with the Secretary of State's office, we provide them a copy of the documents (not the originals) and they mail us cards that you can keep in your wallet which have a username and password on them. Anyone can look up these documents with that username and password. The documents are not public record. The downside of recording the documents with the Secretary of State is that if you change the documents, you will need to change them with the Secretary of State. The Secretary of State charges \$20 to record the documents.

- GENERAL POWER OF ATTORNEY

We can record the general (financial) power of attorney with the Register of Deeds. Again, recording is not required. A general power of attorney recorded with the Register of Deeds is public record. Anyone can look it up online. Aside from lack of privacy, the downside of recording is that if you change the power of attorney, you will need to revoke it with the Register of Deeds and provide a copy of the revocation to the persons you listed as agents on such power of attorney. For these reasons, I generally do not recommend recording the general power of attorney. If there comes a time that the agent under the general power of attorney is handling your financial affairs on a regular basis, then you or the agent may want to record the general power of attorney with the Register of Deeds at that time, because it can be looked up online. The original document is recorded.