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## **IT'S THE LAW!**

### **DID YOU KNOW THAT, IN FLORIDA...**

**ESTATE PLANNING** refers to the set of documents that protects you during your lifetime and after death. It often consists of a **LAST WILL & TESTAMENT, HEALTH CARE SURROGATE, DURABLE POWER OF ATTORNEY** and **LIVING WILL**. It might also include a **LIVING REVOCABLE TRUST** or **DEED(S)**.

If **DIVORCING** spouses can't agree on how to distribute their marital residence, the Court may be asked to **PARTITION** the residence and, in such case, may direct that it be sold to a buyer for the current market value and the net sales proceeds are equally divided.

**GUARDIANSHIP** Court appoints a surrogate decision-maker for personal and/or financial decisions for a minor or an adult with mental or physical disabilities (the **WARD**). Some of the more common reasons for a Ward needing a Guardianship are to receive proceeds from a lawsuit, insurance policy or inheritance. An adult Guardianship may be necessary if the Court finds an individual's ability to make decisions so impaired that a Guardian is needed to make decisions on his/her behalf. Guardianship is a last resort, especially where naming someone as **ATTORNEY-IN-FACT** under a *Durable Power of Attorney, Health Care Surrogate* or *Trustee* could be a lesser restrictive alternative.

**HOMESTEAD** laws are amongst the most liberal of any state. In many cases, Florida allows homeowners to shield the total value of their home from creditors even in the event of **BANKRUPTCY**. Also, only a very short list of creditors (including the IRS, Mortgage holders, general contractors and other materialmen, and Homeowner's/Condominium Associations) can force the sale of a home to collect on payments in arrears.

JUPITER LAW CENTER is a private neighborhood law firm located in the RiverPlace Professional Center, 1003 W. Indiantown Road, Suite 210, Jupiter, FL. (561) 744 - 4600, [jupiterlawcenter.com](http://jupiterlawcenter.com) The firm provides peace of mind by solving problems with integrity and compassion in the areas of Estate Planning (*Wills & Trusts, Powers of Attorney, Health Care Surrogates, Living Wills, Probate Estates, Succession Planning, Contracts & Purchase/Sale Agreements*), Family Law (*Divorce, Paternity, Child Support & Time Sharing, Alimony, Property Distribution, Modifications, Collaborative Law, Pre/Post Nuptial Agreements*) and Real Estate (*Community Association Law, Residential & Commercial Transactions, Deeds, Closings*).