

The Basic Legal Survival Kit

by Gregory P. Hawkins, Esq.

As Utahns we all understand the term “72-Hour-Survival-Kit.” If worse comes to worse we have three days of candles, matches, some freeze-dried food and water purification tablets, each of which has a practical purpose. It’s common sense.

Yet, according to the old axiom, “common sense is not common.” In fact, common sense must be learned systematically, with sober thought and a clear understanding of the consequences.

While few Utahns will ever enjoy the acrid taste of water purification tablets, we will all die. A significant number of us will become mentally incapacitated. For both emergencies, one a certainty and one a significant possibility, many Utahns are unprepared, legally.

Do you have a Will? Every adult has thought about the need for a Will, someday. Without a Will, your children are at the mercy of a stranger – the probate judge. No one is better qualified to decide who should raise your children and receive the rewards of your labor than you.

While dying is a certainty, the thought of mental incapacity makes us visibly shudder. A Durable Power of Attorney lets you choose who acts for you if you become disabled. Without a Durable Power of Attorney, problems associated with incapacity are addressed through expensive court-controlled conservator or guardian proceedings.

The third component of your basic legal survival kit is perhaps the most sobering – a lingering demise. Through a Living Will you can protect your heirs from untold emotional and financial hardship. The Living Will allows you to refuse life sustaining medical procedures that would serve only to unnaturally prolong the dying process if you are terminally ill. These three documents are not only inexpensive, but also quick to



GREGORY P. HAWKINS
YOUR FAMILY’S LAWYER™

prepare. And they provide a peace of mind far beyond candles and freeze dried food packets.

What about a box to put it all in? Without a box labeled “72-Hour-Survival-Kit,” it’s not a kit. It’s a collection of candles and matches stuffed into assorted kitchen drawers.

The Estate Planning equivalent is the Living Trust. The time is long past when only people like the Eccles and the Marriotts need a

family trust. If you own a home or have children, you should have a Living Trust.

A Living Trust allows you to control how your money is used while your children are minors through early adulthood, even after you are dead. A Living Trust will save you the cost, the time and the publicity of probate. Probate takes time, is expensive and invites public view. A Living Trust will allow you to maintain complete control of your assets while providing efficient and private transfer upon death. A Living Trust also allows you manage your assets if you become disabled.

There is something slightly romantic about the idea of crouching in the corner of the living room with your family, eating freeze dried food by candlelight. We all have a bit of the adventurer in us. Plus, in most cases the authorities will have the lights on and water running within a few days.

Thinking and planning for death or incapacity holds no romance, induces no images of adventure. However, if you must choose between storing candles and matches or preparing your “Basic Legal Survival Kit,” my vote goes for the latter.

Law Offices
HAWKINS & SORENSEN, LC

45 West 10000 South, Suite 309
Sandy, Utah 84070

(801) 233-0031 Phone
(801) 233-0032 Fax

www.GregoryHawkins.com