



THE LAW OFFICES OF MARJORY CAJOUX
ESTATE PLANNING GUIDE

THE
LAW
OFFICES
OF

**MARJORY
CAJOUX**

GET TO KNOW US



Conveniently located in the heart of Downtown Brooklyn and Midtown Manhattan, The Law Offices of Marjory Cajoux are equipped with a multilingual staff that serves domestic and international corporations, small businesses, non-for profit organizations as well as individuals and families. A commitment to perfection, a dedication to service and a meticulous eye for detail is the bedrock of our firm.

Founded over 25 years ago by visionary Marjory Cajoux, The Law Offices of Marjory Cajoux is a full-service law firm that specializes in providing personalized client-focused care with skilled expertise and quality representation.

Although located in New York City, we have successfully served clients with operations in France, Haiti, Jamaica, Singapore and the Bahamas.

ESTATE PLANNING

It is never too early to create a will or trust. By proactively creating an estate plan today, you will be taking an important step toward protecting your family's future and your legacy. At The Law Offices of Marjory Cajoux, our skilled estate planning attorneys can help you protect your estate from taxes, creditors, or anyone else claiming a right to your inheritance, money or property. Our range of estate planning services includes:

- Heirship Rights
- Power of Attorney
- Health Care Proxies
- Guardianship
- Petition for Letters of Administration
- Estate Litigation
- Probate Litigation
- Petitions to Compel Accounting





A WILL VS. A LIVING WILL

A **Will** is a legally binding document that states who will manage or coordinate the distribution of your assets, the guardianship of your children, and other estate planning decisions, upon your death. Creating a will is the one of the most important things you can do to secure your wishes for your loved ones, guaranteeing that your assets will be distributed according to your requests.

A **Living Will**, despite its name, is not at all like the previously mentioned Will that allows you to designate beneficiaries of your assets upon your death. A Living Will, also called a "Directive to Physicians" or "Advance Directive", is a document that lets you state your wishes for end-of-life medical care in case you become unable to communicate these decisions. A Living Will has no power after death.

TRUST IN ITS VARIOUS FORMS

A **Living Trust** is a legal document, created during an individual's lifetime, where a designated person is given responsibility for managing that individual's assets. A living trust appoints a trustee to manage the assets of the estate and gives the trustee the right to disperse the assets to your designated loved ones.

There are two types of **Trust** - **Revocable** or **Irrevocable**:

- A **Revocable Trust** can be changed or terminated by the grantor at any time.
- An **Irrevocable Trust** cannot be altered or terminated by the grantor after it is established, except by the terms of the Trust or by the courts. A named successor trustee manages the properties and assets according to the terms of the trust document. Typically, the successor trustee ultimately distributes the assets to the named beneficiaries following the grantor's death.

EXECUTOR AND THEIR RESPONSIBILITIES

An **Executor** is a person that is named in a Will and has the responsibility to manage the probate estate upon your death. Unlike a Trustee, an Executor must obtain consent by Court Order prior to managing the estate. If you have been named executor of a Will, you should seek the assistance of legal counsel to help guide you through the process.

BENEFICIARIES

A beneficiary is anyone named in your estate plan who will ultimately inherit your assets as part of your estate. Beneficiaries are named in several places of your estate plan, including:

- Life Insurance Policies
- Last Will and Testament
- Retirement plans like a 401 (k), 403 (b), IRA or similar plans
- Social Security Disability (in some cases)
- Savings and Checking Accounts

There are two basic types of beneficiaries: Primary and Contingent.

Primary beneficiaries are the account owner's first choice for a beneficiary. In the event of death, the benefits go to the primary beneficiary, if still living. You can have multiple primary beneficiaries in some cases.

Contingent beneficiaries are a secondary choice, in the event that there is no living primary beneficiary, or they cannot be found. If there is no contingent beneficiary, or when none of the contingent beneficiaries claim the assets, then either state law or the policies of the organization holding the account will dictate what happens to the assets.





GUARDIANSHIP OF MINOR CHILDREN

If you have a minor child, it is important to appoint someone (a guardian) to assume responsibility for the care of your child(ren) in the event of your death.

A legal guardian for a minor child has the same decision-making power as a parent until the child reaches the adult legal age.

POWER OF ATTORNEY

A Power of Attorney is a legal document that allows you (the principal) to appoint a person to act on your behalf – make decisions of your private affairs, etc. – should you become incapacitated. The agent is expected to place the principal's interests ahead of his or her own, which is why it is important for you and your loved one to pick a trusted individual.

HEALTHCARE PROXY

A Healthcare Proxy is a medical Power of Attorney which empowers a designated person to make medical decisions on your behalf. If created, the Living Will will be used as a guide for these decisions.

WHAT IS SURROGATE COURT?

Surrogate's Court handles all probate and estate matters, and any disputes arising from same.

The Law Offices of Marjory Cajoux welcomes and encourages prospective clients to contact us when seeking assistance in matters relating to Estate Planning or for more information.

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