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Letter of Last Instructions

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LETTER OF LAST INSTRUCTIONS

ADAPTED FOR SOUTH DAKOTA AUDIENCES BY DAVID REZAC, SCHOOL OF LAW GRADUATE STUDENT, UNIVERSITY OF SOUTH DAKOTA, ANNE MARIE FEIOCK, J.D., YOUNG LAWYERS SECTION PRESIDENT, SOUTH DAKOTA BAR ASSOCIATION, AND ELIZABETH E. GORHAM, PHD, AFC, ASSOCIATE PROFESSOR AND EXTENSION FAMILY RESOURCE MANAGEMENT SPECIALIST, SOUTH DAKOTA STATE UNIVERSITY WITH PERMISSION OF MONTANA STATE UNIVERSITY, AUTHORS MARSHA A. GOETTING, PHD, CFP®, CFCS, PROFESSOR AND EXTENSION FAMILY ECONOMICS SPECIALIST, MONTANA STATE UNIVERSITY, AND RAEANN POURROY, FORMER PONDERA COUNTY, MONTANA, EXTENSION AGENT.

EVERYONE should write a will. If you are wise, however, you will do even more.

You should give your lawyer, your personal representative, or your spouse a letter of last instructions, which is separate from your will. This letter, to be opened at the time of your death, should include the following:

1. Names, addresses, and telephone numbers of those to be notified on your death. (This should be kept up-to-date.)
2. Instructions for your funeral and burial, or cremation and memorial service if desired.
3. Location of your will.
4. Location of your safe deposit box and its key, and a list of its contents.
5. Location of your essential personal papers, including:
 - birth or baptismal certificates
 - marriage certificate, dissolution of marriage records
 - papers for adopted children
 - naturalization or citizenship papers
 - social security card and records (for possible benefits)
 - military service records (for possible benefits)
6. Location of life, health, and property insurance policies; also burial insurance and notation if prepaid.
7. Location of papers for pension or retirement plans and individual annuities.
8. Location of membership certificates in unions, lodges, or fraternal organizations that provide death or cemetery benefits.
9. List of personal and real property you own, including:
 - checking and savings accounts and location of passbooks or certificates for these
 - all real property and location of mortgages, deeds, and other records
 - stocks, bonds, or other securities
 - business property such as livestock and equipment, and location of titles or other records
10. Location of signed original and copies of list or separate writing of how you want your tangible personal property distributed after your death.
11. Location of your income tax returns and supporting records.
12. Location of all credit cards, and a list of the numbers and addresses of the companies.
13. Location of any trust funds that you have set up or in which you are named; the names of trustees and a copy of the trust fund agreement.
14. Names and addresses of advisors such as your lawyer, banker, insurance representa-



tives, broker, accountant, or tax advisor.

15. Your father's full name and mother's maiden name, which will be needed for the death certificate.
16. Instructions and directions concerning your business.

These items will be helpful to have on hand while you are living as well as make it easier, speedier, and possibly cheaper for your personal representative to settle your estate when you are gone.

Do you have other items that should be included in your Letter of Last Instructions? If so, list them on the back of this fact sheet to serve as a reminder when you write your letter.

Notes for my Letter of Last Instructions

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Rowe, B.R. Dec. 2002. Estate Planning Basics: A Letter of Last Instructions. FL/FF-19. Accessed April 25, 2005 from <http://extension.usu.edu/files/fampubs/ff19.pdf>

DISCLAIMER

This publication is not intended to be a substitute for legal advice. Rather, it is designed to create an awareness of the need for estate planning and to help families become better acquainted with some of the devices involved. Future changes in laws cannot be predicted, and statements in the fact sheet are based solely upon the laws in force on the date of publication.

ACKNOWLEDGEMENTS

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This publication is suggested for the reading of all South Dakotans. It has been reviewed and approved by the South Dakota Bar Association and South Dakota State University faculty in the Human Development, Consumer and Family Sciences Department, College of Family and Consumer Sciences, March 2005.

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