A FREE GUIDE FROM LEGATA™

Estate Planning Made Simple

Everything you need to understand estate planning, without the legal jargon.

Your estate plan is one of the most important things you will ever put in place for the people you love. This guide is here to help you understand every term, every document, and every decision, clearly and without intimidation.

legata.com

What's Inside

Introduction — Why estate planning matters, and why most people avoid it

Section 1 — What Is an Estate Plan?

Section 2 — The Documents: What They Are and What They Do

Section 3 — The Key People in Your Plan

Section 4 — Key Concepts Explained Simply

Section 5 — Your Assets and Why They Matter

Section 6 — Planning for Special Situations

Section 7 — Keeping Your Plan Current

Section 8 — How Legata Works

© 2026 Legata. All rights reserved.

Introduction

Why This Guide Exists

Most people know they should have an estate plan. Very few actually have one.

That gap is not about laziness or indifference. It is about intimidation. Estate planning sits at the intersection of legal terminology, financial complexity, and deeply personal decisions about family, money, and mortality. That combination is enough to make almost anyone put it off indefinitely.

At Legata™, we believe that complexity is not a reason to delay. It is a reason to explain things better.

This guide exists to give everyday people a clear, plain-English understanding of what estate planning involves. Not every legal concept in existence. Not an academic treatise. Just the terms, documents, roles, and decisions that matter most, explained the way a trusted friend with legal expertise would explain them.

By the time you finish reading, you will understand what every key document does, who the important people in your plan are, what concepts like probate and power of appointment actually mean, and how to think about your assets, your family, and your wishes.

A note before you begin

This guide is educational, not legal advice. Every family's situation is different, and the right plan for you depends on your specific circumstances. Legata combines modern technology with professional legal expertise and real human support to help you build a plan that reflects your life. Visit legata.com to get started.

© 2026 Legata. All rights reserved.

Section 1 — What Is an Estate Plan?

An estate plan is a set of legal documents that records your wishes and puts the right people in place to carry them out.

The word “estate” sounds formal. It conjures images of sprawling family compounds and generational wealth. In reality, your estate is simply everything you own: your home, your bank accounts, your car, your retirement savings, your personal belongings, and even your pets. If you own anything and care about what happens to it when you are gone, or if you care about who makes decisions for you when you cannot, you need an estate plan.

What an estate plan actually does

A good estate plan does several things at once. It tells the world who gets your assets when you die. It names someone to manage your financial affairs if you become incapacitated. It appoints someone to make medical decisions on your behalf if you cannot make them yourself. If you have children, it names a guardian to care for them. It can also reduce the tax burden on your estate and help your loved ones avoid the slow, expensive, and public process known as probate.

In short, an estate plan is how you take care of the people you love before and after you are gone.

What happens without a plan

Without a plan, the state decides. Every state has laws that determine how assets are distributed when someone dies without a will or trust. Those laws follow a standard formula that may have nothing to do with your actual wishes. Assets can get tied up in court. Family members may disagree. Minor children may have no named guardian. The process is public, slow, and often expensive.

The good news is that a thoughtful plan, the kind Legata helps you build, prevents most of that uncertainty before it has a chance to become someone else’s problem.

Estate planning is an act of care, not just paperwork. The purpose of planning is not to fill out forms. It is to protect the people who depend on you, to communicate your intentions clearly, and to spare your family from making difficult decisions under the worst possible circumstances.

© 2026 Legata. All rights reserved.

Section 2 — The Documents

What They Are and What They Do

A complete estate plan is not a single document. It is a coordinated set of documents, each serving a specific purpose. Here is what each one does and why it matters.

Pour-Over Will (Last Will and Testament)

What it is: A Will is a legal document that records your final wishes: who inherits your assets, who cares for your minor children, and who is responsible for carrying out your instructions after you die. A Pour-Over Will is a specific type of Will designed to work alongside a Revocable Living Trust. Any assets that were not transferred into your Trust during your lifetime are "poured over" into it at death.

Why it matters: Without a Will, the state decides who gets what. With one, your wishes are recorded and legally enforceable. A Pour-Over Will also names your executor and, critically, names a guardian for any minor children.

Who needs it: Everyone. If you own anything or have dependents, you need a Will.

Revocable Living Trust

What it is: A Revocable Living Trust is a legal arrangement where you transfer ownership of your assets into a Trust that you control during your lifetime. You serve as your own Trustee, managing assets exactly as you would have before. When you die or become incapacitated, your Successor Trustee steps in immediately, without court involvement.

Why it matters: A Trust lets your estate pass to your beneficiaries privately and efficiently, avoiding the time-consuming and public probate process. It also provides seamless management of your assets if you become incapacitated. Most states do not require Trusts to become public record, which means your wishes stay between you and your family.

Who needs it: Anyone who wants to avoid probate, maintain privacy, or ensure smooth management of assets during incapacity.

Financial Power of Attorney

What it is: A Financial Power of Attorney authorizes another person, called your agent, to manage your financial affairs if you are ever unable to do so yourself. This can include managing bank accounts, paying bills, handling investments, managing real estate, and filing taxes.

Why it matters: Without one, your family may need to go to court to get the legal authority to manage even basic financial matters on your behalf. That process is slow, expensive, and stressful. A Financial Power of Attorney prevents that by giving your agent clear, immediate authority to act when it is needed most.

© 2026 Legata. All rights reserved.

Who needs it: Everyone. Incapacity can happen at any age and at any time.

Health Care Power of Attorney

What it is: A Health Care Power of Attorney authorizes someone you trust to make medical decisions on your behalf if you are ever unable to make them yourself. This person is called your agent, or attorney-in-fact. They can communicate with doctors, consent to treatment, and make decisions about your care based on what they know of your wishes.

Why it matters: Medical emergencies do not wait. If you are unconscious, incapacitated, or simply unable to communicate, someone needs to be authorized to speak for you. Without this document, hospitals may default to procedures that do not reflect your wishes, and your family may face difficult decisions without clear guidance from you.

Who needs it: Everyone. This document is one of the most important protections you can put in place for yourself.

HIPAA Release and Authorization

What it is: A HIPAA Release and Authorization allows your designated agents to access your protected health information under federal HIPAA privacy regulations. Without it, healthcare providers are legally prohibited from sharing your medical information with virtually anyone, including family members.

Why it matters: Even your closest family members cannot access your medical records without this authorization. It works alongside your Health Care Power of Attorney to ensure the people you trust can get the information they need to advocate for you effectively.

Who needs it: Everyone with a Health Care Power of Attorney. The two documents work together.

Irrevocable Life Insurance Trust (ILIT)

What it is: An Irrevocable Life Insurance Trust owns life insurance policies rather than having you own them personally. Because the ILIT owns the policy, the proceeds are excluded from your taxable estate at death and are not subject to estate tax.

Why it matters: If you own a life insurance policy personally, the payout is included in your taxable estate. For larger estates, that can create a significant tax burden. An ILIT removes the policy from your estate entirely while still allowing the proceeds to benefit your family.

Who needs it: Individuals with larger estates or significant life insurance policies who want to minimize estate tax exposure.

© 2026 Legata. All rights reserved.

What is the Legata Living Estate Plan™?

The Legata Living Estate Plan™ is Legata's core offering. It includes five coordinated documents: your Pour-Over Will, your Revocable Living Trust, your Financial Power of Attorney, your Health Care Power of Attorney, and your HIPAA Release and Authorization.

Together, these documents cover the full range of planning needs most families face: asset distribution, incapacity planning, medical decision-making, and privacy protection.

Learn more at legata.com.

Will vs. Revocable Living Trust: At a Glance

	Pour-Over Will	Revocable Living Trust
When it takes effect	At death only	Immediately, upon creation
Covers incapacity?	No	Yes, Successor Trustee steps in
Goes through probate?	Yes (for assets not in Trust)	No
Is it public record?	Yes, in most states	No, in most states
Can it be changed?	Yes, while you are alive	Yes, while you are alive
Names a guardian?	Yes	No, that is the Will's job

© 2026 Legata. All rights reserved.

Section 3 — The Key People in Your Plan

Documents are only as strong as the people behind them. Choosing the right people for each role is one of the most important decisions you will make.

Every role in your estate plan requires someone you trust completely. That trust is the foundation of the entire plan. Beyond trust, each role also calls for specific qualities: organization, judgment, and the willingness to take on real responsibility.

Executor

The person who carries out your Will after you die. They manage your estate through the probate process, pay debts and taxes, and distribute assets to your beneficiaries.

Good choice: Someone organized, responsible, and willing to deal with paperwork and administrative tasks during a difficult time. Talk with them before naming them.

Good to know: You can name one or two successor Executors in case your first choice cannot serve. If you do not have someone you trust, a professional fiduciary or agency can fill the role.

Trustee / Successor Trustee

The Trustee manages your Revocable Living Trust. During your lifetime, you serve as your own Trustee. Your Successor Trustee steps in when you become incapacitated or pass away.

Good choice: Someone with integrity and basic financial competence. They do not need to be an expert, but they should be willing to work with professionals when needed. Talk with them first.

Good to know: Mistakes in Trust administration can have real consequences. If no trusted individual comes to mind, a corporate trustee or professional fiduciary is a legitimate option.

Agent (Financial Power of Attorney)

Your financial stand-in. If you become incapacitated, your agent manages your financial affairs, paying bills, managing accounts, handling property, under the authority granted in your Financial Power of Attorney.

Good choice: Someone you trust completely with your finances. This is a significant responsibility. If you are not comfortable granting someone broad financial authority, that discomfort may signal they are not the right choice.

Good to know: Successor agents can be named. Co-agents are not currently supported through Legata.

© 2026 Legata. All rights reserved.

Agent (Health Care Power of Attorney)

Your medical decision-maker. This person is authorized to communicate with healthcare providers and make medical decisions on your behalf when you cannot make them yourself.

Good choice: Someone who knows your values and wishes, and who can advocate firmly and clearly under pressure. Medical decisions during a crisis are not easy. Choose someone steady.

Good to know: Name one or two successors. This role may never be needed, but when it is, it matters enormously. Having the conversation with your chosen agent now makes things clearer for everyone.

Guardian

The person who will care for your minor children if you and the children's other parent are both unable to do so. Named in your Will.

Good choice: Someone who shares your values and has the capacity and willingness to raise your children. This is one of the most personal decisions in your entire estate plan.

Good to know: By law, the co-parent of your child is legally responsible for the child when you die. Your named guardian serves only if both parents are unable to. Name a backup.

What if I cannot think of anyone I trust?

You are not alone in this. Professional trustees, fiduciaries, and agencies can serve in virtually every role in your estate plan, executor, trustee, and agent alike.

These professionals are experienced, neutral, and accountable. They charge fees for their services, but they can be an excellent option when a trusted individual is not available.

Legata can help connect you with the right professionals. Visit legata.com.

© 2026 Legata. All rights reserved.

Section 4 — Key Concepts Explained Simply

Estate planning has its own vocabulary. Here are the concepts that matter most, explained without the legalese.

Probate

Probate is the court-supervised process of distributing a deceased person's assets. It validates the Will, pays debts and taxes, and transfers ownership of assets to beneficiaries. The problem is that it is slow (often taking months or years), expensive (court and attorney fees add up), and public (court filings become public record). One of the primary advantages of a Revocable Living Trust is that assets held in the Trust do not go through probate at all.

Beneficiary

A beneficiary is anyone who is set to receive something from your estate. You can name specific people, organizations, or charities. A primary beneficiary receives first. A contingent beneficiary receives only if the primary beneficiary cannot, whether because they have passed away or declined the inheritance. If no beneficiary is named, "Heirs" is used, a legal term meaning the law determines who receives the assets.

Grantor

The person who establishes a Trust is called the Grantor. (You may also hear the terms Settlor or Trustor, but Legata uses Grantor.) If you create a Revocable Living Trust, you are the Grantor. You are also typically the initial Trustee and the primary beneficiary during your lifetime.

© 2026 Legata. All rights reserved.

Power of Appointment

A power of appointment is a provision in a Trust or Will that allows a designated person, usually a beneficiary, to decide who will ultimately receive certain Trust assets. It gives flexibility without transferring ownership now. A limited power restricts appointees to people related by blood, marriage, or adoption. A broad power allows the beneficiary to appoint anyone except themselves, their estate, their creditors, or the creditors of their estate.

No Contest Clause

A no contest clause is a provision that discourages beneficiaries from challenging your Will or Trust in court. It works like a deterrent: if a beneficiary contests the document (and the challenge is not based on fraud, forgery, or undue influence), they risk losing the inheritance they were set to receive. Not all states enforce this clause, but its inclusion typically gives potential challengers pause. It is a practical tool for preserving family harmony and your intentions.

Funding Your Trust

Creating a Revocable Living Trust is only the first step. For the Trust to do its job, avoiding probate, protecting your privacy, enabling seamless management, your assets need to be transferred into it. This process is called “funding” your Trust. It involves retitling assets (like real estate and bank accounts) in the name of the Trust. Assets not transferred into the Trust before death will generally have to go through probate before reaching your beneficiaries.

© 2026 Legata. All rights reserved.

Per Stirpes

Per stirpes is a legal term for a method of distributing assets when a named beneficiary dies before you do. Under per stirpes distribution, that beneficiary's share passes to their children rather than being divided among the remaining beneficiaries. It is a common approach for keeping assets within a family line across generations.

The Estate Tax and the Taxable Estate

Your taxable estate is the value of everything you own at death, minus debts and eligible deductions. Some states have their own estate taxes with exemption thresholds well below what many families expect. Life insurance proceeds, retirement accounts, and jointly owned assets all have specific rules about whether and how they are included. An ILIT is one tool for removing life insurance proceeds from a taxable estate.

The Three-Year Rule for Life Insurance

If you personally own a life insurance policy and transfer it to an ILIT, federal tax law includes a three-year lookback period. If you die within three years of making that transfer, the proceeds may still be included in your taxable estate. This is why coordinating the creation of an ILIT with the purchase of a new life insurance policy is often preferable to transferring an existing one.

© 2026 Legata. All rights reserved.

Section 5 — Your Assets and Why They Matter

Cataloguing your assets is not just about paperwork. It is about making sure the right people have the right information when it matters most.

A complete picture of your assets serves several important purposes. It allows your executor and Trustee to administer your estate efficiently. It helps identify potential estate tax exposure so you can plan accordingly. It ensures that the specific gifts you want to make, whether a piece of jewelry to a grandchild or a business interest to a partner, can actually be executed as you intend.

You do not need exact numbers. Reasonable estimates are a perfectly good starting point, especially if you are waiting on updated statements or appraisals. The goal is a complete picture, not a certified audit.

Real Estate

Residential properties, vacation homes, investment properties, and land. Real estate held in your personal name typically goes through probate. Transferring title to your Trust is one of the most important funding steps you can take.

Investment and Bank Accounts

Checking, savings, brokerage, and retirement accounts. Retirement accounts like IRAs and 401(k)s pass by beneficiary designation rather than through your Will or Trust, so keeping those designations current is critical.

Life Insurance and Annuities

Life insurance proceeds generally transfer outside of probate to named beneficiaries. However, if your estate is the beneficiary, or if you own the policy, proceeds may be subject to estate tax. Beneficiary designations are controlled by your contract with the insurer, not your estate planning documents.

© 2026 Legata. All rights reserved.

Personal Property

Furniture, jewelry, artwork, vehicles, collectibles, and yes, your pets. The law considers pets personal property. If you want to ensure your pet is cared for, name a caretaker explicitly and consider leaving funds to support that care.

Business Interests

Ownership stakes in a business, partnership interests, or professional practices require careful planning. Business interests often need specialized valuation and may have implications for both estate taxes and the business itself.

Debts and Liabilities

Mortgages, loans, credit card balances, and other liabilities reduce the net value of your estate and affect what ultimately passes to your beneficiaries. Accurate debt information also helps plan for estate liquidity, making sure there are enough liquid assets to cover taxes and obligations without forcing unwanted asset sales.

Estate liquidity matters more than most people realize.

When someone dies, taxes may be due relatively quickly. If your estate lacks sufficient liquid assets, such as cash or easily sold investments, your loved ones may be forced to sell assets they would rather keep, often at inopportune times.

Life insurance is one of the most effective tools for creating estate liquidity. An ILIT can hold that insurance while keeping the proceeds outside your taxable estate.

© 2026 Legata. All rights reserved.

Section 6 — Planning for Special Situations

Most families have at least one situation that requires a little extra thought. Here are the most common ones.

Married Couples and Joint Planning

Married couples can create a joint Revocable Living Trust, a single Trust that covers both spouses, as well as reciprocal Wills, Powers of Attorney, and health care documents. Each spouse still needs their own Financial Power of Attorney, Health Care Power of Attorney, and HIPAA Release, since these documents authorize individuals to act on behalf of a specific person.

Minor Children

If you have children under 18, naming a guardian in your Will is essential. By law, the co-parent of your child is legally responsible for the child when you die. Your named guardian only steps in if both parents are unable to serve. Name a backup guardian as well. Your Trust can also specify how and when assets are distributed to children, which is particularly important if you do not want a young adult to receive a large inheritance all at once.

Dependents with Special Needs

Planning for a beneficiary who requires specialized support, whether due to a disability, mental health condition, or other circumstances, requires particular care. A standard inheritance can inadvertently disqualify a dependent from government benefits like SSI or Medicaid. Specialized planning tools exist to provide financial support without creating that disqualification. Legata can refer you to attorneys who specialize in this area.

© 2026 Legata. All rights reserved.

Pets

Because the law considers pets to be personal property, the most practical approach is to specifically name your intended caretaker as the recipient of your pet in your Trust or Will, and to leave funds to the caretaker for your pet's ongoing care. We suggest having that conversation with the caretaker before naming them. A surprise inheritance of a pet is not always a welcome one.

Blended Families and Complex Beneficiary Situations

When there are children from multiple relationships, stepchildren, or estranged family members involved, clear and specific planning matters more than ever. Vague language invites interpretation and disagreement. Powers of appointment can offer future flexibility while your Trust provides the structure. If your situation is complex, a conversation with a legal professional through Legata is a worthwhile step.

Children Born After Your Plan Is Completed

The Legata Will and Trust documents are designed to anticipate the even division of assets among all children at the time of death, even those not named in the documents. That said, adding a new child is always a good reason to revisit and update your plan.

© 2026 Legata. All rights reserved.

Section 7 — Keeping Your Plan Current

An estate plan is not something you complete once and file away. It is a living strategy that should evolve as your life does.

Life changes. Assets grow or shift. Relationships change. People you named in key roles may no longer be the right choice. Laws that affect estate and gift taxes are revised. A plan that was right for you five years ago may not reflect your current circumstances at all.

Good times to review your plan

- **Marriage or divorce.** Both events have significant legal and financial implications for your existing plan.
- **Birth or adoption of a child.** A new child means a guardian designation and potentially updated beneficiary arrangements.
- **Death of a named individual.** If an executor, Trustee, agent, or beneficiary passes away, your plan needs to be updated.
- **Significant change in assets.** Purchasing or selling real estate, receiving an inheritance, or a major change in investment accounts all warrant a review.
- **Moving to a new state.** Estate planning laws vary by state. Moving can affect how your documents are interpreted and whether certain provisions are enforceable.
- **Changes in tax law.** Federal and state estate tax thresholds change. A plan designed around one set of rules may need adjustment when those rules change.
- **Annual review as a general practice.** Even without a specific trigger, reviewing your plan annually is a sound habit. Think of it like reviewing your insurance coverage.

© 2026 Legata. All rights reserved.

How updating works through Legata

If you have not yet signed and notarized your documents, you can simply delete the current version and create a new one at no additional cost. Once documents have been signed and notarized, creating updated versions requires re-execution, signing, witnessing, and notarizing again, along with the associated notary fees.

This is why it is worth being thoughtful about your choices the first time around. Not because changes are difficult, but because careful planning upfront reduces the frequency of updates you will need.

Your plan should evolve. That is by design.

Estate planning is a process, not an event. The goal is not a perfect document signed once. The goal is a plan that continues to reflect your life, your relationships, and your intentions over time. Legata is built to make that ongoing process straightforward, with real people ready to help whenever it comes time to update.

© 2026 Legata. All rights reserved.

Section 8 — How Legata Works

Legata™ combines modern technology with real human support to make estate planning accessible, efficient, and trustworthy.

Traditional estate planning has two problems. Professional law firms offer personalized guidance but rely on slow, expensive, and manual processes. Technology-first services improve efficiency but often leave people to figure things out alone, with no one to call when a question comes up.

Legata combines the strengths of both. Modern technology removes unnecessary friction. And unlike a template you fill out and never hear from again, Legata gives you access to real people, including licensed attorneys, whenever you need them. Questions do not wait for business hours to matter, and neither do we. The result is an estate plan you can trust, built with the guidance of people who know this field, in a fraction of the time and at a fraction of the cost of traditional methods.

© 2026 Legata. All rights reserved.

What to expect

1. **Enter your information.** Start with the basics: your personal information, your family, and your assets. You can enter all information for free before any payment is required.
2. **Name your people.** Choose your executor, Trustee, agents, and any guardians. Legata guides you through each role with explanations of what each person will be responsible for, and our team is available if you want to talk through a decision.
3. **Select your documents.** Legata guides you toward the documents most relevant to your situation. You decide which to create based on your needs, with support on hand if you are not sure.
4. **Review your documents.** Once generated, you can download, read, and review your documents before proceeding. If you want to make changes, you can do so before signing, and you can always ask a real person to walk through anything that is unclear.
5. **Sign, witness, and notarize.** Legata walks you through the execution process, with live support available if you hit a snag. Most documents require both signing and notarization to be legally valid.
6. **Store and maintain.** Legata's Vault provides a secure, central place to store your estate-related documents so you and your loved ones can find them when needed. And when life changes, our team is here to help you update your plan, not just point you back to the software.

Time to complete: about 60 minutes for an individual, about 90 minutes for a married couple.

Cost: $1,800 for your initial documents, including your first year subscription. $195 per year to maintain your account and store your documents going forward.

© 2026 Legata. All rights reserved.

Closing

The best estate plan is the one you actually complete.

Most people spend more time planning a vacation than planning for the people they love most. It does not have to be that way.

Legata was built to change that. To make estate planning clear, accessible, and something you can actually finish, without sacrificing quality, relationships, or trust.

Get started at legata.com

Questions? Our team is here to help.

© 2026 Legata. All rights reserved.