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Be The One Who Decides Who Inherits What

Who would you rather have decide what happens to your assets when you die—you or the state of Alaska? When you decide not to make a will or set up a trust, you're giving a lot of that decision-making power to the state.

You can leave some assets—your 401(k), IRAs and other retirement accounts, life insurance policies and sometimes property—to your beneficiaries without making a will. But you need a will or a trust to make sure that bank accounts, real estate that you hold sole title to and your personal property (your mother's jewelry, your hunting rifles or the Rembrandt hanging over the mantel) go to the people you want to have them.

When you die without a will or a trust, those assets go to your closest relatives under Alaska's laws for "intestate succession." Who gets what depends on whether you have living children, parents or a spouse when you die. The chart below gives you some examples of how Alaska law divides up intestate successions.

When you die, if you have	These people inherit
Children, no spouse, parents or siblings	Children inherit everything
Spouse and descendants with that spouse, and your spouse has descendants from a previous relationship	Spouse inherits the first \$150,000 of your intestate property, plus 1/2 of the balance Your descendants inherit everything else
Siblings, no spouse, parents or children	Siblings inherit everything
Spouse and parents	Spouse inherits the first \$200,000 of the intestate estate, plus 3/4 of the balance Parents inherit everything else

Source: Nolo

Spouses, Children and Half-Relatives

If you're married and die without a will, the amount your spouse receives depends on whether your parents or other descendants are still alive. For example, your parents could receive 1/4 of the intestate assets.

Without a will, your children would receive an equal share, and your grandchildren would inherit only if their parent (your child) has already died.

Alaska law treats half-siblings as whole siblings in intestate succession. That means if you die intestate, your half-sister would get a share equal to the brother with whom you share a mother and a father.

Then there's always the chance that, if no relatives can be found your assets will revert to the state of Alaska.

Make Your Own Decisions Using Your ASEA Benefits

Deciding who gets what may be hard, but deciding to create a will or living trust is an easy decision. Your ASEA Legal Services benefits make it even easier to have an attorney prepare and write a will or trust document.

It's also a good idea to review and update your will or trust occasionally. This is especially true if one of the people you have named to inherit has passed away or you've changed your mind about your bequests.

For more information about the services covered by the ASEA Legal Services Trust Fund, go to the [Plan Book](#) on the ASEA website.

For more information on intestate succession in Alaska, go to: [Alaska Court System Self-Help](#) and [Nolo](#).



PLAN CHANGES EFFECTIVE JAN. 1, 2016

- Domestic partners will no longer be considered eligible dependents and/or designated beneficiaries effective 1/1/16. The Plan will continue to cover your legal spouse and any of your unmarried children less than nineteen (19) years of age, who live in your home and are still dependent upon you for principal support (50% or more).
- Benefits are being improved to include coverage for probate expenses for the member's eligible spouse and/or eligible dependent children.

WARNING: Fraud, attempted fraud, or improper use of the ASEA Legal Plan will terminate your benefits, and the ASEA Legal Plan will not pay accrued charges.

This document is merely a summary. Please refer to the [ASEA Legal Plan Booklet](#) for more details: In the event of a difference between this summary and the Plan Booklet, the Plan Booklet prevails. Please contact us if you need another Plan Booklet. This summary does not constitute legal advice. If you have legal questions please consult an attorney.

The articles in this newsletter are for informational purposes only. It is not meant to provide legal advice. You should contact your lawyer for legal advice related to any specific problem or issue you may have.

ASEA Legal Services Website

Your Source for Info, Forms, Referrals

It's Sunday morning and you've gotten another call from fakester.com demanding payment for an item you didn't buy from a website you've never visited. Or as you leave work one day, you are served with papers suing you for a fender-bender. What do you do next?

One good idea would be to go to the [ASEA Legal Services website](#) to find out how you can use your legal services benefits. Both of those situations—consumer transactions and personal injury—are covered by the plan.

You'll also find explanations of how to use your benefits, a list of participating attorneys, and the forms you'll need to bring to the lawyer's office.

You can find the website on your computer or any mobile device.

Benefit Increases

Effective July 1, 2015

Good news! Your ASEA Legal Services benefits are now more valuable. For services incurred on or after July 1, 2015 the:

- Maximum annual benefit increased to \$1,500 per eligible member per Plan Year
- Maximum hourly amount the Plan will pay attorneys increased to \$200 per hour

The Board of Trustees was able to approve the benefit increases because of more favorable investment returns over the past two years and a reduction in claims cost. The rise in the hourly rate paid to attorneys will help us attract and retain Participating Attorneys, who agree to limit their rate to the hourly maximum.

FAQ

Another frequently asked question from the Administration Office:

I own a small rental property. My current tenant owes me three months' rent. Can I use my Plan benefits to start eviction proceedings?

Sorry, but no. That's because the Plan excludes all services "**connected with any business venture.**" As a landlord, you are conducting a business. This prevents you from using your Plan benefits for any legal action related to the property, from rental leases to evictions or landlord-tenant disputes. Your legal services benefits can be used only to matters related to your personal residence.

On the other hand, if your tenant is a member of the ASEA Legal Services Trust Fund, he could use his Plan benefits to defend himself against your eviction process. That is a personal, not a business, legal matter and it is a **covered benefit**.