

Art's Charts

This name comes from my Law School days. I made charts of all my classes to better remember issues and law. My fellow students called them "Arts Charts"



PAULY LAW OFFICES, INC.
If you don't have a plan for your estate,
the State does.

**IF UPDATING YOUR CURRENT
ESTATE PLAN OR GETTING IT
FINALLY DONE IS YOUR GOAL, THE
TIME IS NOW.**

**SPECIAL
POINTS OF
INTEREST:**

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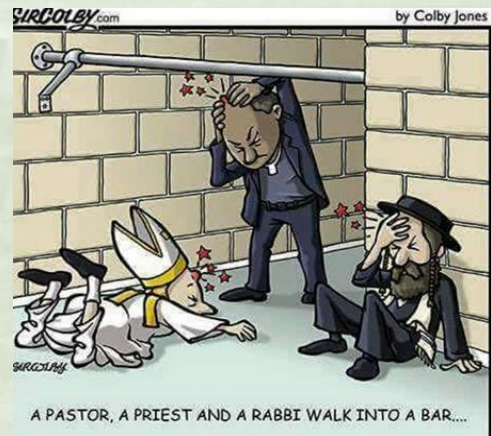
**INSIDE THIS
ISSUE:**

FEP's Something Fun. Friends and Family	1
Digital Assets and how to deal with them in your estate plan	2
My card	

"FEP's" or Frequently Encountered Problems.

The question is "What happens to my business if I can no longer run it?" My question back is "What do you want to see happen?" The biggest problem is most business owners don't ask the question until it is too late. You should ask it when you Organize your business. Make your "exit" plan part of your estate planning. Ask questions like "what can I do to make my business more saleable?" "What can I do to be sure the business has the capital to continue?" How can I be sure my heirs will get the value out of the business I worked so hard to establish?" "What happens to my partners in business?" "What happens to my employees?" Think about it and start on your plan.

Something Fun



Unrelated to the above, I have added an "Interesting Links" page to my web site. If you would like me to add a link to your business to that page, email me the link at, artpauly@paulylaw.com

Do you have a friend or family member who has not done any estate planning?

ONE OF THE BEST COMPLIMENTS I GET ARE REFERRALS. I TREAT THEM WITH THE SAME RESPECT AND ATTENTION TO THEIR NEEDS AS I DO WITH ALL MY

CLIENTS. MY PROMISE TO YOU IS THEY WILL THANK YOU FOR SENDING THEM TO ME.

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IF YOU DON'T HAVE A PLAN FOR YOUR ESTATE, THE STATE DOES.

Q. *I am a frequent user of Facebook and Twitter, and I sometimes wonder what would happen to my accounts upon my death. Would my family be able to access my posts?*

A. Under a new California law that went into effect January 1, 2017, the answer is "yes", provided that you take proactive steps during your lifetime to authorize access after your death. The new law is called the *Revised Uniform Fiduciary Access to Digital Assets Act* ("Act") or AB 691. Previously, California law was silent on the right of family members to access such records after the owner's death.

Under the new law, there are essentially four ways in which you may give a person you trust (your "fiduciary") access to your social media accounts after your demise. The "Act" calls these "digital assets".

1) Use On Line Tool: You may give consent in the "Online Tool" set up by the custodian, such as Facebook or Twitter, in response to the new law. The consent you provide in this tool overrides anything to the contrary in the custodian's "terms of service", or any contrary intention in your will or other legal document;

2) Grant Authority In A Legal Document: Under the new law, you may grant access in your Last Will, Power of Attorney, Trust, or other legal document. However, this authorization must specifically grant the right to access your digital assets; a general grant of authority to deal with your estate may not be sufficient.

3) Terms of Service Agreement: If you have failed to grant access by using the custodian's "Online Tool", nor given specific authority in your Last Will or other legal document, then the custodian's Terms of Service ("TOS") would control, and the TOS may or may not grant authority to access records of your digital communications after your death.

4) Court Order: Finally, unless you have specifically objected to the release in the Online Tool or in your Will or other legal document, your executor might apply for a court order, provided that he or she can show that disclosure is reasonably necessary for estate administration.

So, if you would like others to have access to your digital assets after your death, the two best ways to do this are as follows: (a) go to the custodian's website, locate the "online tool" established pursuant to this legislation and specifically consent to disclosure to your executor, successor trustee, or other designated loved ones after your death; and/or (b) specifically authorize disclosure in your Last Will, Power Of Attorney, Trust or other legal document. If you have already prepared your estate planning documents, you might consider the creation of a stand-alone Power Of Attorney for Digital Assets. *Note:* normally, a power of attorney expires upon the death of the maker. However, under this legislation, a consent in a power of attorney to access digital assets would apparently still be valid, for that limited purpose, after the death of the maker.

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MY CARD

