



How we can help you with preparing enduring powers of attorney

Will Preparation / Executor Services / Trusts / Financial Services / Taxation Services / Genealogical Services
Investment Services / **Enduring Power of Attorney** / Personal Financial Solutions





At State Trustees we understand when it comes to trusting someone with your personal and financial affairs you need to know you're getting professional and expert advice with your interests at heart. We've been helping Victorians with their financial needs for over 70 years so they can make the most of their opportunities. At State Trustees, we provide our expert financial and legal assistance to all Victorians regardless of income, age or personal circumstances. We're well known as specialists in preparing Wills and we offer a diverse range of professional services including deceased estate administration, Trustee, Executor and Attorney services along with astute financial advice and management to help protect and grow your assets.



Taking care of your Finances, Medical Care and Guardianship

What is an Enduring Power of Attorney?

An Enduring Power of Attorney is a legal document that allows you to appoint a trusted friend, relative or organisation to make important decisions on your behalf, when you need it most.

If you are unable to make decisions for yourself, perhaps through an accident, illness, ageing – or you're simply away overseas at a critical time – your Attorney can look after your affairs according to your stated wishes. This can be done for as long as necessary, which is why the documents are called "Enduring".

By helping you prepare your Enduring Powers of Attorney, State Trustees can give you the peace of mind that someone you trust is looking after your legal and financial affairs, your health and the way you live.

Protecting your future

The ideal time to appoint your Attorney is before you need them – when you are healthy and aware. That way your Attorney can take care of your affairs according to your stated wishes.

There are three different Enduring Powers of Attorney that we can help you prepare, depending on your situation:

- **Enduring Power of Attorney (Financial)** – you can choose an individual or organisation to look after your financial and legal affairs, according to your wishes.
- **Enduring Power of Attorney (Medical Treatment)** – allows decisions about your health and wellbeing to be made on your behalf, if you are unable to make those decisions.
- **Enduring Power of Guardianship** – you can also choose a trusted friend or family member to make lifestyle decisions for you.



Enduring Power of Attorney (Financial) – Making financial and legal decisions for you

Helping to manage your financial affairs

Maintaining financial control over your life is important, however a serious accident, illness or ageing can affect your ability to make decisions about your finances and legal affairs. An Enduring Power of Attorney (Financial) allows you to nominate a trusted friend, relative or organisation to make financial and legal decisions on your behalf. Your Attorney can also help when you are overseas or if you want to simplify your life by handing over your day-to-day finances to someone you trust.

At State Trustees we offer expert advice and assistance when it comes to preparing your Enduring Power of Attorney so you can be confident that your affairs will be managed professionally and according to your wishes when you activate the document.

Choosing your financial Attorney

Many people ask their spouse or a family member to manage their affairs for them. Whilst flattered when asked, ultimately they may find the role time-consuming and a challenge. They may need to manage your affairs for many years, along with their own family's. When choosing your Attorney it is important to consider whether they have the relevant business, legal or financial experience to carry out your wishes.

At State Trustees we can help protect you with advice on when the Enduring Power of Attorney (Financial) should be activated and how to specify instructions, conditions or limitations of your Attorney. We can help you provide specific instructions for them, such as how or when to sell property or other assets.



State Trustees as your Attorney

At State Trustees we can help take the worry out of choosing an Attorney.

By acting as your financial Attorney we can manage your day-to-day affairs when you cannot, or choose not to. We have been around for over 70 years and have experience helping people manage their legal and financial affairs over long periods of time.

As a state owned company we are steadfast and secure. We look after your financial affairs with professionalism and expertise, and unlike most individuals, we are audited regularly.

We can protect your interests in a number of ways, depending on your instructions. This Includes:

- Collecting your income from pensions or investments
- Paying your bills including rental
- Managing and maintaining your properties
- Lodging your tax returns and planning your long-term finances
- Arranging for legal advice and representation

Enduring Power of Attorney (Medical Treatment)

Making medical decisions on your behalf

An accident, serious illness or natural ageing can all result in you being incapable of making decisions about the medical treatment you receive. An Enduring Power of Attorney (Medical Treatment) enables you to appoint someone to make those decisions for you. You can rest assured that as your Agent they can take your wishes into account when making medical decisions on your behalf.

Sometimes these decisions can be difficult, especially when it comes to palliative care or refusing treatment. State Trustees can assist you and your Agent by preparing an EPA (Medical Treatment) that makes your intentions very clear – even in the most traumatic situations.

Choosing an Agent

Although State Trustees is unable to act as your Agent (the law only permits individuals to be appointed) we provide expert advice when it comes to making the choice. Being an Agent can be emotionally demanding. You should ask for the person's approval before you nominate them, so that you can talk them through all the issues and be certain they understand your wishes.

Family circumstances change and if for any reason you need to change your Agent, we can help you revoke your previous Power of Attorney and create a replacement.

My Story

Mario thought his neighbours were his friends but all they did was take advantage of his illness.

Mario, 87, was slowly succumbing to dementia and losing his ability to make financial and legal decisions. He had no living relatives but treated Gina and Steve, his neighbours of 20 years, like family.

A social worker became concerned that Gina and Steve were taking advantage of Mario's situation. He was giving the couple money every day and they were operating his bank accounts for him. They had transferred ownership of Mario's car to Gina's

daughter. Steve had even obtained Mario's signature on a new Will during one of his stays in hospital, leaving Mario's house to the couple.

Mario had forgotten that he created an Enduring Power of Attorney with State Trustees more than 10 years earlier, naming us as his Attorney. As soon as we became aware of his situation State Trustees activated the Enduring Power of Attorney and took Mario's financial and legal affairs in hand.

Mario passed away recently, but not before State Trustees took legal action against Steve and Gina, and had ensured Mario had a valid Will that reflected his wishes.

The case studies, while fictional, are based on real customer experience. Names and identities of persons and facts have been changed in order to protect confidentiality. Any similarity between a person's name and experiences to the scenario described in the case study is unintended and coincidental.

Enduring Power of Guardianship ... making decisions about your lifestyle

An Enduring Power of Guardianship allows you to nominate someone to make everyday decisions about how you live, if you are unable to make decisions for yourself.

Most people prefer their Attorney to be a loved one or close friend, someone that they know will have their best interests at heart. State Trustees is unable to act as your Guardian. The law only allows individuals to be appointed with an Enduring Power of Guardianship. We can however prepare an Enduring Power of Guardianship and provide professional advice when it comes to choosing a Guardian, based on over 70 years' experience acting as Trustee and Attorney for Victorians from all walks of life.

Choosing the right Guardian

The time to nominate a Guardian is long before you might need one. You will be asking them to make decisions about your home, your carers and perhaps even who can and can't visit you.

Your Guardian may end up in disagreement with other friends and family so you need to choose someone who will always act with your wishes and welfare in mind.

We can help you appoint a Guardian and a substitute, in case your Guardian is away or unable to assist because of their own situation.

Questions?

For more information about an Enduring Powers of Attorney, or to make an appointment with one of our experts, call State Trustees

03 9667 6466

Residents outside the Melbourne metropolitan area can call

1300 138 672

or visit

www.statetrustees.com.au





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