

Attorney Patricia Bloom-McDonald is a Licensed attorney in the Commonwealth of Massachusetts and has been in private practice since 2003.

She is admitted to practice before the United States Supreme Court, U.S. District Court, 1st Circuit, U.S. Bankruptcy Court, and all courts in the Commonwealth of Massachusetts.

She has extensive knowledge and experience with the preparation of Wills, Trusts, Health Care Proxies, Durable Power of Attorneys, and other Estate Planning documents.

Additionally, Attorney Bloom-McDonald possesses exceptional knowledge of Probate law and procedure as it is applied to Estate Administration, Elder Law, Guardianships, Conservatorships, and Name Change procedures.

Her outstanding experience with Real Estate procedures relating to loan and refinance documentation, including Reverse Mortgages, affords her the ability to counsel those over 62 years of age who wish to age at home with dignity. Attorney Bloom-McDonald is able to communicate clearly and concisely with people of diverse backgrounds, age, and levels of authority and is available for in-home consultations.

She is a Member of:  
Massachusetts Bar  
Federal Bar, District of Massachusetts  
National Academy of Elder Law Attorneys  
Bristol County Estate Planning Council  
Norfolk County Bar Association  
Bristol County Bar Association  
Resources to Remember



Attorney Patricia Bloom-McDonald is an Elder Law and Estate Planning Attorney. You may reach Attorney Bloom-McDonald with questions or comments at 508-646-9888, at her website: [www.McBloomLaw.com](http://www.McBloomLaw.com), or email at [McBloomLaw@McBloomLaw.com](mailto:McBloomLaw@McBloomLaw.com)

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# What is a Will?



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General Practice of Law concentrating in:

**Probate  
Estate Planning  
Elder Law  
Real Estate including  
Reverse Mortgages**

***I am available to schedule appointments  
in my office, YOUR home, or  
other place of convenience***



## What is a Will?

A will is a written document that directs how you want your property distributed after your death. In your will you also appoint a trusted person to be your personal representative. Your personal representative (executor) is responsible for distributing your property according to the instructions you place in your will.

### What other terms do I need to know?

A beneficiary is the person you name in your will to receive some of your property.

JTROS—Property owned jointly with right of survivorship is property such as a bank account that has specific language stating that the surviving party owns all of the property on the death of the other joint owner.

### Why do I need a will?

If you do not prepare a will, your property will be distributed according to Massachusetts law, which may distribute your property in a way that is contrary to your wishes.

### Will all my assets be distributed to the persons I name in my will?

Some types of property are not covered by your will. Who will get certain assets depends on how that property is owned and the words that are used in other legal documents, such as deeds to real estate, bank account contracts, trusts, and life insurance policies. If you have named someone to be the beneficiary of a life insurance policy, the proceeds from the policy will go directly to the beneficiary. Generally, property that you own jointly with another person with a right of survivorship will automatically pass to the other joint owner upon your death.

For example: if you have a joint savings account, with a right of survivorship with your daughter, when you die your daughter gets all the money in that account. Even if your will says to divide everything among your three children, she will automatically get the money in your savings account. It doesn't matter what your will says.

It is very important that you know how you own all of your property and how that property will change hands upon your death. Be sure to ask your lawyer if you do not understand any of the terms of jointly held property.

### Why appoint a personal representative?

A will also gives you the opportunity to appoint an individual you trust, called your personal representative, to distribute your estate. If you do not appoint a personal representative in your will, the court may have to appoint a bank or an attorney to administer the distribution of your estate. Anyone can petition the Court to be appointed and unless an objection is made, someone who you would not want to administer your estate may be put in charge. This also frequently increases the cost of settling your estate.

### How do I select my personal representative?

You should appoint someone you trust to manage your property, someone who will be able to handle all of the financial matters involved with settling your estate. Check with that person ahead of time to find out if they are willing to take on this responsibility. The personal representative should be a resident of Massachusetts. It is always a good idea to appoint an alternate if the first person you name cannot serve.



### If I already have a will, when should I change it?

Since it's not possible to see into the future, it is virtually impossible to prepare a will that provides for every possibility. You should review and update your will whenever significant changes happen in your life, or in the lives of those you have named in your will. The following life changes suggest you should review your will to see if you need to make corrections:

- Changes in persons you want to receive your property: Someone you have named in your will may die, or a new member may be added to your family through birth, adoption or marriage.
- Changes in where you live: If you move to a different state, you should have your will reviewed by a lawyer in your new state. Although laws are similar from state to state, there can be important differences in how wills should be written or will be interpreted by the courts.
- Changes in your finances: If you have a significant change in your financial circumstances, you may want to change to whom you give property or how much they should receive.
- Changes in your marital status: If you get married, divorced or become widowed, you probably need to revise your will.

### How do I know if I need a simple will?

A simple will may be appropriate for you if your distribution plan is uncomplicated. For example, a simple will may be all you need if you want everything to go to your spouse and then equally to your children if your spouse does not survive you. However, if you want minor children or grandchildren to receive property, you will need to appoint a guardian and possibly set up a trust, which is not simple. A simple will would not be appropriate if you want to make gifts to specific people or charities.