

# Women and the Law

Thy will be done... wrong!

One of the most frequent questions I am asked as I talk to people outside my office is: "Is it OK for me to do my own Will?" Answering this question may seem a bit self-serving, but the answer I am giving you is from my own experience in trying to correct wills done by non-lawyers. If the question is whether it is "legal" to do your own will, the answer is certainly.

It is legal for you to do your own will. If the question is, "Is it wise to do your own Will?" the answer is no. I

always qualify that answer, however, by saying if you absolutely are not going to go to a lawyer to have your Will prepared, then do your own. Something is probably better than nothing and there is a chance you may have accomplished what you wanted to accomplish. There are several problems with this approach; the most critical being that it is usually too late when we find out that you made a mistake in the will you prepared yourself (your body temperature is very low, and it's hard to get you



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to talk, if you know what I mean!).

How many ways can you mess up a will? Let me count the ways:

1. One of the most critical ways is the manner in which a will is signed. The

Georgia law (both cases and statutes) is very specific on how a will is to be signed. A will is not a simple contract and must be signed with very specific requirements or it simply is not a will. For example, **simply signing a will outside the presence of one witness makes the will invalid.**

2. Another issue regards who the witnesses are. If a witness receives something in the will AND witnesses the will, that **witness can receive nothing in the will**, but the will IS valid. (So, whatever you do, do not witness your parent's will!)

3. If you are using a generic will kit, it may not include the Georgia law which allows, if provided in the will, for the will to be probated with no reporting to the court. Reporting to the court is cumbersome and expensive, and usually not intended by the person drafting the will.

4. A common mistake I see in wills people prepare on their own actually has to do with the distribution of property, particularly in the event the primary beneficiary is deceased. Do

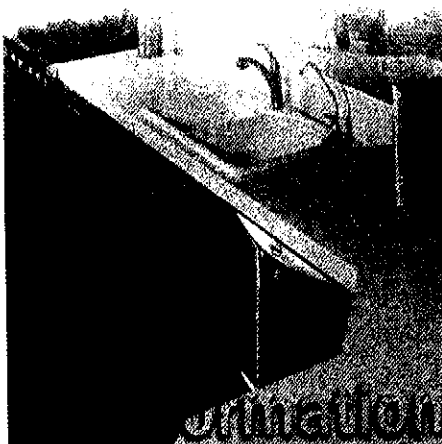
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you want your children's children to take their share if the child is deceased or that share go to the surviving siblings? The language of self-drafted documents is often very unclear.

5. Every person has specific situations and following a form that someone else has used can be disastrous.

6. The law allows you to give to your estate representative powers to do many things without having to petition the court for permission. In a will drafted by a lawyer, these powers are typically included. Many times in wills which are not prepared by lawyers, these powers are not listed and the personal representative of the estate has to jump through needless hoops and expenses that would have been eliminated in a lawyer drafted will.

7. If estate tax planning is necessary (this year your estate would have to be over \$1 million), the complexities of the tax code require a lawyer. This planning, if done properly, could save the children 49% of the estate from going to the government in estate taxes.

This is not to say that lawyers don't make mistakes in drafting their wills. However, the lawyer that drafts your will should have more training in preparing and executing your will and if he (let's assume it's a he if we're talking about mistakes?!) does make a mistake, at least you are not at fault. You did all you could do to make sure your will did what it should do. I add here, that even if a lawyer does do your will, you should read the will in its entirety at some point when you bring it home after it is reviewed in the lawyer's office.

I used to tell people that for the price of a couch they could go to a lawyer and have their wills prepared....and then I bought a couch. Now, I say for the price of about 1/2 of a couch, you can have your estate planning done and know that it is done right. You may feel that doing your own Will should be easy and it will save you money. It may very well end up costing you much more in the end, not only in money, but in the pain and suffering your family may have to endure if the will creates its own set of problems. In my opinion, it's simply not worth the risk. —*fu*

## *Incontinence*

*(continued from page 32)*

few of these episodes, you begin to visit the restroom often to keep your bladder empty, perhaps even bearing down at the end of voiding in order to get "every last drop out." Soon, you know where every restroom is located around town, you plan outings around their locations, you begin to have to get up two or more times a night to empty your bladder, and you may even begin to restrict your fluid intake just to stay drier.

The above is an example of how the system begins to break down. Now we need to look at this waterworks system itself. It consists of the following:

**Bladder** - You can think of the bladder as a reservoir which is slowly filling with urine from the kidneys. Urine is pushed out when the bladder muscle contracts.

**Pelvic floor and urethral sphincter muscles** - You can think of these muscles as the dam and it is in charge of stopping any urine leakage. The pelvic floor muscle is like a sling that spans the bottom of the pelvis, from the pubic bone to the tailbone. The sphincter muscle is a small circular muscle much like the string on a drawstring purse. These muscles are under your conscious control. The muscles hold tight all day long to keep the urine in the bladder. At the same time, these muscles are sending a message to the bladder telling it not to contract and to stay relaxed and continue to hold the urine in the bladder.

When you empty your bladder, the first thing that happens, which you are not even aware of, is that the pelvic and urethral muscles relax and let go. When this happens, it sends a message to the bladder muscle telling it to contract and it pushes the urine out. Once the bladder is empty, the pelvic and urethral muscles contract and the dam is closed again as the bladder slowly

refills.

So, it is the pelvic floor and urethral muscles that tell the bladder muscles when to pump and when to stay relaxed and quietly fill. It is the pelvic floor and urethral muscles that are really in charge of the waterworks. They are in charge of the stopping and starting.

Can you see what might happen if these pelvic and urethral muscles lost some of their strength? Can you see how these muscles might lose control over the bladder and the bladder might begin to contract whenever it wanted to, not when you wanted it to? This results in an urgency, an overwhelming feeling of needing to urinate.

Urgency occurs when the bladder begins to take charge of the stopping and starting and rules your life. Even simple shopping trips are planned around the location of the toilets. Some women even stop going out and become isolated. Now the so-called little secret dominates their lives.

So what causes these important pelvic floor and urethral muscles to lose strength and lose control over the water works? The following can lead to muscle weakening: Pregnancy, vaginal delivery, constipation, chronic coughing, bearing down with physical exertion, bearing down with voiding and obesity.

On your next visit to your gynecologist, ask him or her to check your ability to contract your pelvic floor muscles. If you have difficulty finding the muscle or if it is weak, ask your doctor to refer you to a physical therapist in your area that has specialized training in working with people with incontinence.

So, if you are one of the millions of people with the little secret, if you've lost control of your waterworks, today is the day to start regaining control. You can do this by strengthening your pelvic and urethral muscles. This is conservative treatment for incontinence and you have nothing to lose and a drier future to gain. —*fu*