

# Women and the law

## Single people need wills too

By Mary Lynn Kirby

The question for this month comes from Golden Chopsticks Restaurant in Fayetteville. That's right, I need more questions from you so I don't have to beg for questions when I run into people while I'm out eating with my family.

Someone, who by request will remain anonymous, came up to me and said she faithfully reads this article

in Fayette Woman. I told her thanks, but that I needed more questions to answer in the article; she immediately came up with what I consider to be a very good question.

Now that I've said all that, the question: What about singles, do they need a will? After she asked, I realized that most of my articles have related to married women and there are very important issues pertaining to singles that may not be applicable to married women. So, singles, this one is for you. Yes, you do need a will, if you own property and/or have children. This particular question came up in the context of two single persons owning real estate together.

Let's say you own property with another single person and you do not have children. This is what happens at your death: your mother and father will inherit your interest in the property. If your mother and father are deceased, your siblings will take in equal shares.

Now, what if you do have children, what happens to your interest in the property at the time of your death? Your children will inherit your interest in equal shares. If your children are minors, the issues can get very complicated. The person you own the property with will definitely be hampered if he/she wants to sell the property by the fact that the minors are co-owners of this property at the time of your death.

This is the succession if you do not have a will. You can decide who will

Mary Lynn Kirby, P.C., has been practicing law since 1978. She specializes in the area of estate planning. You can reach her at 120 Howard Lane, Fayetteville, Ga. 30215.



inherit this property by simply doing a will. You can also make the issue of a minor holding property not a complex issue by doing a will.

Of course, you also will want to do a will if you have children, for the purpose of appointing a guardian, in the event the other biological parent is deceased.

Unfortunately, that "ex" that you may not particularly care for, will be the guardian unless he can be shown to be an unfit parent. He will be the first choice of the court unless the extenuating circumstances show he should not have custody of the children. This may mean that during your lifetime, you keep a journal of why he should not be the custodial guardian upon your death. Language, i.e. "he had no relationship, whatsoever...he has had no contact since birth," could even be put in the will.

Do yourself, your family, and your roommate a favor, do a will. (I have not addressed the powers of attorney that need to be done, but suffice it to say, that as a single person, there is not a "natural" person to look to for decisions. Decisions both financially and medically necessitate your having both a financial power of attorney and a health care power of attorney.)

Remember, I started this article letting you know I need your "estate" questions. Please send them to me at 120 Howard Lane, Fayetteville, GA 30215.

—*fw*

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