

ALERT

April 2020

Additional Estate Planning Considerations Resulting From Coronavirus (COVID-19)

MH&H Trusts & Estates Team

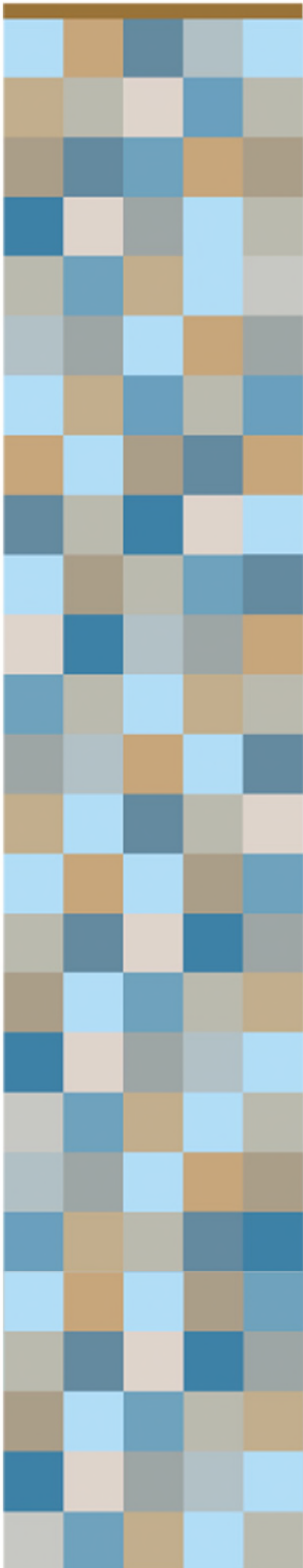
Dear Clients, Friends & Colleagues:

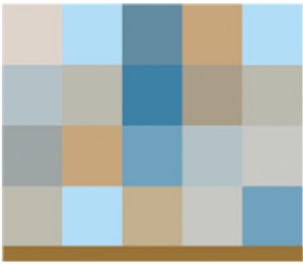
We hope this newsletter finds you and your loved ones safe and healthy.

We previously noted that the coronavirus "lock down" is causing many of our clients to re-think their existing estate plans. In the past, certain estate planning documents (including a Last Will and Testament, a Power of Attorney Gift Rider, a Health Care Proxy and a Designation of Agent for Burial Decisions) required two (2) disinterested individuals be present at a "signing" and attest to the fact that they saw that the document was signed. In these challenging times in which isolation is a safety imperative, this requirement was deemed an impediment by many people looking to commence estate planning.

By issuing Executive Order 202.14, Governor Cuomo has made it significantly easier to update an existing plan or even implement a plan for the first time. Pursuant to Executive Order 202.14, the act of witnessing can now be accomplished utilizing audio-visual technology provided the following conditions are met:

- 1) The person requesting that his/her/their signature be witnessed (the "Signer"), if not personally known to the witness(es), must present valid photo ID to the witness(es) during the video conference, not merely transmit it prior to or after;
- 2) The video conference must allow for direct interaction between the Signer and the witness(es), and the supervising attorney, if applicable (e.g., no pre-recorded videos of the person signing);
- 3) The witnesses must receive a legible copy of the signature page(s), which may be transmitted via fax or electronic means, on the same date that the pages are signed by the Signer;





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- 4) The witness(es) may sign the transmitted copy of the signature page(s) and transmit the same back to the Signer; and
- 5) The witness(es) may repeat the witnessing of the original signature page(s) as of the date of execution provided the witness (es) receive such original signature pages together with the electronically witnessed copies within thirty days after the date of execution.

This significant change to a previously standard practice and procedure has insured that those individuals wishing to commence or continue planning can do so without risking their own health or the safety of others. If you wish to commence a discussion concerning your estate planning needs, please do not hesitate to contact us. Our information is set forth below:

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- [Sheryl Bergstein](#)
- [Michael Calcagni](#)
- [Louis P. Karol](#)
- [Steven L. Kay](#)
- [Henry E. Klosowski](#)
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Please stay safe and reach out to us as needed.



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