

A Mother's Parting Gifts

A box of recipes and a recipe for a living will, all precisely stated—and priceless



By Warren Bimblick,
senior vice president,
Financial Services
Division, Prism
Business Media,
New York

Three years ago, my mother, a great cook, wrote out all her recipes for my brother and me, copying them on two sets of index cards and placing them in two neat boxes. Her own mother, she explained, had passed away before thinking to share her special formulas for Honeymoon Spaghetti and Wacky Cake. My mother, Nan Bimblick Brown, didn't want to make the same mistake.

Visiting my mother this January in Florida, right before attending the Heckerling Institute,¹ I found her breathless and frail. Within a month, doctors diagnosed her with stage four lung cancer and my mother passed away at age 75. But before she went, my mother had given my brother and me another gift: a living will as precise and on target as her recipe for Orange Chicken.

That living will was so helpful, in fact, that the nurses tending to my mother copied it by hand to have it for their own. Rather than say, "no heroic measures," for example, my mother clearly stated what measures she did not want taken on her behalf. The result: Nan Brown left no room for doctors to wonder what they should do, thereby sparing herself and her sons some of the pain of her passing.²

While I would have trouble divulging my mother's Christmas cookie recipes (which my brother and I will be making next December), I am happy to share the wording of her living will with the readers of *Trusts & Estates* and their clients. Here's hoping it might prove as helpful to you as it was for us.

This living will was prepared by Jeffrey P. Skates, partner in McLin & Burnsed PA in Leesburg, Fla. It is reprinted with Skates' and his firm's permission:

"I, Nan Bimblick Brown, of Leesburg, Florida, willfully and voluntarily make known my desire that my dying not be artificially

prolonged under the circumstances set forth below, and I do hereby declare:

I direct that no surgery, chemotherapy, transplantation, CPR, artificial or invasive measures for providing nutrition and hydration, artificial respiration, antibiotics, kidney dialysis, blood transfusions, antipsychotic medication, unless I am completely conscious and able to consent in writing to the procedure.

It is my wish to be allowed to die peacefully (with sufficient drug administration as necessary to make this possible) and want no effort to prolong my life.

I wish to donate all organs except my heart to science and wish my body to be cremated.

My remains are to be scattered in some green inland area, preferably mountainous, but far away from the sea.

If at any time I should have a terminal condition and if my attending or treating physician and another consulting physician have determined that there is no medical probability of my recovery from such condition, I direct that life prolonging procedures be withheld or withdrawn when the application of such procedures would serve only to prolong artificially the process of dying, and that I be permitted to die naturally with only the administration of medication or the performance of medical procedure deemed necessary to provide me with comfort care or to alleviate pain.

I specifically include in the treatment I wish to have withheld or withdrawn mechanical respiration and mechanically administered nutrition and hydration, intensive care services, or other life-prolonging procedures. I want treatment limited to measures to provide comfort and to relieve pain, and authorize the administration of pain-relieving drugs, even if their administration may hasten

the moment of my death.

It is my intention that this Declaration be honored by my family and physician as the final expression of my legal right to refuse medical or surgical treatment and to accept the consequences of such refusal.

In the event that I have been determined to be unable to provide express and informed consent regarding the withholding, withdrawal, or continuation of life-prolonging procedures, I wish to designate as my surrogate to carry out the provisions

Our mother was very clear in her health care surrogate: She granted us the power and authority to do only what she would.

of this Declaration.”

I was then named; my brother was given as the alternate if I was “unwilling or unable to perform” my duties; and both our addresses and telephone numbers were given. The document is signed by my mother and accompanied by yet another document prepared by Skates: my mother’s “designation of health care surrogate.” In it, she directs her children to “make health care decisions and to provide, withhold, or withdraw consent on my behalf; to apply for public benefits to defray the cost of healthcare; and to authorize my admission to or transfer from a healthcare facility.”

But, Nan Brown was very clear in this second document: She granted us the power and authority to do only “as I might or could do if I were personally able to make health care treatment decisions on my behalf.”

Endnotes

1. The University of Miami’s Philip E. Heckerling Institute on Estate Planning was held Jan. 9 through 13 in Miami.
2. My mother wrote her living will in 1999 but resent copies of it to my brother and me this year in reaction to the infamous Terri Schiavo case, in which President Bush, a Republican Congress and Jeb Bush, Republican governor of Florida, tried to intervene to keep Schiavo alive with feeding tubes even though her doctors had declared her brain dead. My mother also gave copies of her living will to her primary care physician.

THE SOLUTION FOR YOUR CLIENTS WHO WANT TO HELP ANIMALS AND PEOPLE...



Millions of innocent creatures suffer and die each year in cruel and wasteful medical experiments. The National Anti-Vivisection Society wants to stop the hurting. We are dedicated to identifying humane solutions to human problems and to promoting the development of alternatives to the use of animals in testing, education and biomedical research. A bequest to NAVS is an opportunity to spare animal lives and make a lasting impact on future generations.

For more information, contact Mary Margaret Cunniff
The National Anti-Vivisection Society
53 W. Jackson Blvd, Suite 1552, Chicago, IL 60604
Telephone 1-800-888-NAVS (1-800-888-6287)



© 1996 NAVS

SIZE DOESN'T MATTER

Our fees are reasonable and based only on the amount of background data available from which to begin the search, not the size of the trust or the estate. Get a free no-obligation quote today with just one call.

INTERNATIONAL GENEALOGICAL SEARCH, INC

With just one call.

1-800-one-call
www.heirsearch.com