

ESTATE PLANNING

Online, Forever After

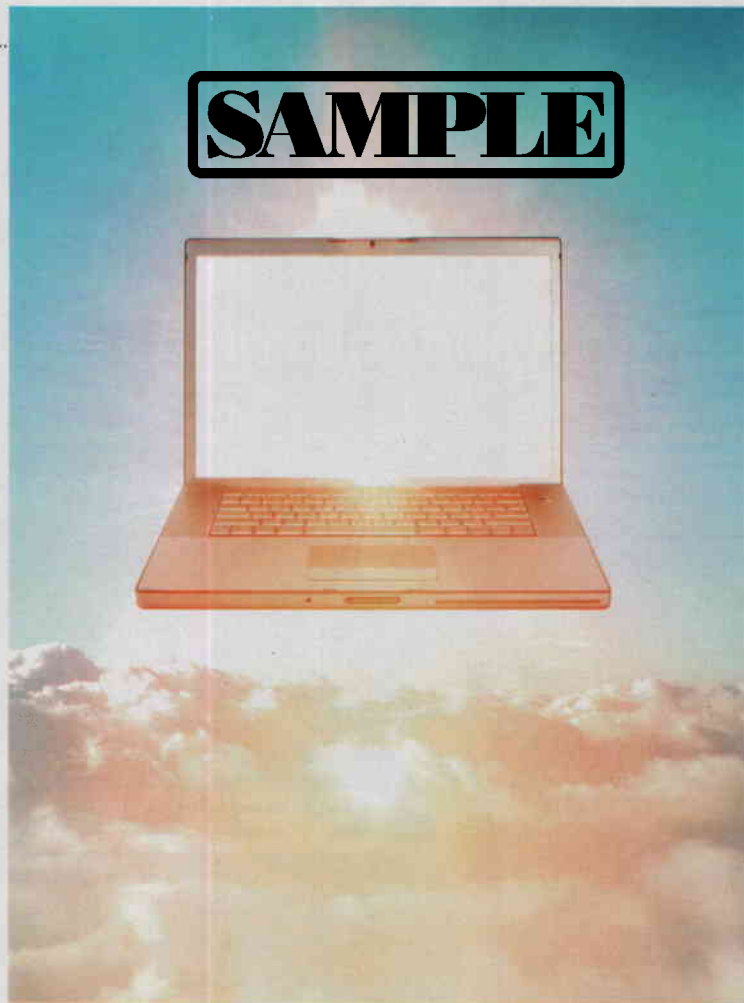
Ever worry about what happens to your online financial data, Facebook posts, iPod collection or other digital properties after your death? Here's how to get a handle on it all

By CARRIE ARNOLD

• **Michael Dubruiel, 50**, was running on the treadmill at the YMCA in Birmingham, Alabama, in February 2009 when he collapsed and died of sudden cardiac arrest. Grief-stricken and shocked, his wife, Amy Welborn, then 48, not only had to plan a funeral; she also faced the daunting task of decoding the couple's online financial life, much of which was locked up behind a nearly impenetrable electronic wall.

"I knew only half the passwords for our accounts, and I had to do a lot of excavation and make a bunch of phone calls to figure out the others," Welborn said. It was a hassle the bereaved mother of five didn't need.

From banking and social media to email, iTunes and beyond, our lives are increasingly being lived and stored online. We upload family pictures to photo-sharing sites, download our favorite books into e-readers and share many of our stories on Facebook and Twitter. But what happens when we die? While probate courts have established procedures to distribute physical items, only a handful of states have laws governing the management—and inheritance—of online property.



Unless you make specific plans for your digital afterlife, experts say, your "digital assets" stand a good chance of being mismanaged—or of disappearing entirely.

"People often don't think about this," says Naomi Cahn, a law professor at George Washington University in Washington, D.C. "People don't plan for how to handle these assets."

The good news is that there's plenty you can do now, before the unexpected happens, to ensure you get to determine the fate of your online life and additionally make things easier for the loved ones you leave behind.

Before you can decide how you want your digital assets managed

after your death, you first need to take an inventory of your accounts, says Evan Carroll, coauthor of *Your Digital Afterlife*. The simplest way to do this? Write down all the websites you use in a week or month that require log-in information, and then, either in a secure document on your computer or in a notepad, write down the website, your log-in name and your password.

"You don't want to include these user names and passwords in the will itself, because it is a public document," Carroll says. Instead, specify in the will the location of the list.

Once you've accounted for all your digital assets, make sure you take the following steps to protect them.



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Financial data

This is perhaps the information most crucial to your heirs and, as Welborn found out, some of the hardest to access. The types of accounts include the obvious bank and investment accounts but also services you use to check on those investments, such as Yahoo! or MSN.com. If you can, specify your beneficiaries directly on the websites of the financial institutions.

Steve DelBianco, executive director of NetChoice, a trade organization representing e-commerce and Internet companies, recommends downloading and/or printing out your account statements monthly or quarterly. This creates a hard copy of the information either on paper or on your personal computer, eliminating the problem of accessing your accounts. "Anything on your personal computer will become part of the estate, and the estate will access the information, and they will distribute the information that is on it," he says. "What they can't do is jump through the computer and to your online accounts."

Email accounts

Your first step should be to read the account's terms of service (TOS).

We know—no one really reads the fine print when signing up for an online service like email. Still, this document contains important information about what happens to your account when you die. Some email providers, like Yahoo!, consider your account terminated upon your death.



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"Every online account is governed by a TOS agreement, and they're all different," says Alexandra Gerson, an estate attorney with Helsell Fetterman in Seattle. "In almost all

cases, the TOS gives you a non-transferable license, which means that nobody else can access your account after your death."

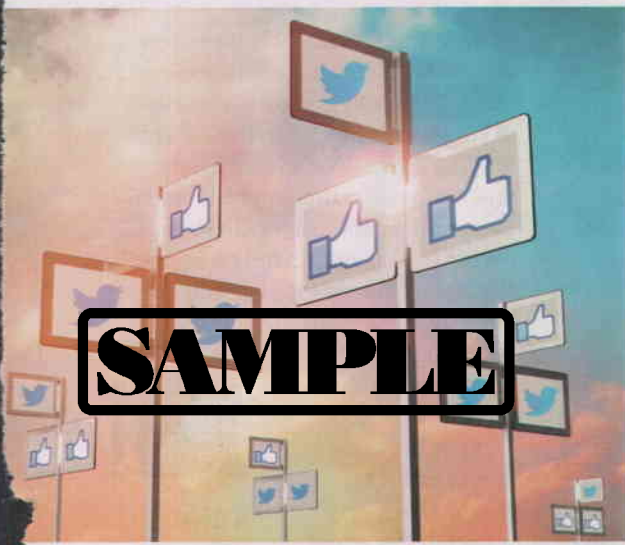
It's important to remember that strict federal law governs the release of private messages like email, notes DelBianco. "Federal law doesn't allow these email services to divulge the contents of these communications without a court order or consent from the individual," he says. If you want your heirs to be able to access your email after you're gone, Cahn recommends that you draft a statement to that effect. "This

Mastering the Master List of Accounts

Experts recommend creating a master list of online accounts and passwords, and storing it in a secure location for your heirs. These are several accounts and websites you'll want to include

- > Banks
- > Brokerage firms
- > Credit cards
- > Insurers
- > Mortgage holders
- > Phone companies
- > Email
- > Facebook
- > Twitter
- > Photo-sharing sites (Flickr, Shutterfly)
- > Medical billing accounts
- > Any company whose bill you pay directly online

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Music, e-books and more

When you download a song from iTunes or a book to a Kindle or other e-reader, you don't actually own the item. Instead, you purchase a license to use the download during your lifetime. "In some cases what you think you own and what you actually have a legal right to pass on are very different. Some of these things just can't be transferred," explains

document can help others carry out your wishes and can be added to your will," Cahn says, although she emphasizes that the law in this area is still in its infancy and much uncertainty remains.

Social media accounts

As with email, the rules regarding what happens to your Facebook or Twitter account upon your death are spelled out in the TOS agreement. But several social media sites have also begun offering additional services. In 2009, Facebook added a feature that allows friends and family members to share memories of a deceased loved one on his or her Timeline. The service can be activated once the site receives proof of that person's death, and deactivated at a family member's request. In April 2013, Google launched Inactive Account Manager, which allows individuals to designate up to 10 trusted friends or relatives as beneficiaries of their online accounts. "You can specify what you want to happen, service by service," says Google spokesperson Nadja Blagojevic.

Gerson. So don't promise someone your amazing iTunes collection before making sure that it's yours to pass on. (You can find out by reading the TOS agreement.)

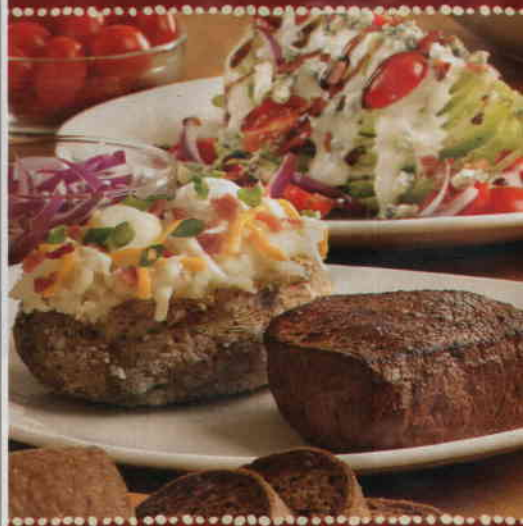
Photo-sharing sites such as Shutterfly and Flickr are a great way to share memories of vacations and grandkids, but if you want your heirs to be able to access your digital photos after you're gone, Carroll recommends that you download your favorites and save a copy to your hard drive. This will make it easier for your most treasured images to stay in the family and prevent your loved ones from sorting through thousands of images after your death.

After her husband died, Amy Welborn did eventually recover all of the couple's financial data. She then made changes to her will, specifying exactly what should happen to her email accounts, her blog and her financial information upon her death. And she created a master password list and told a relative where she had hidden it. "It is an act of love to try and make life after you're gone as hassle-free as possible," she says. *

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