



# DIGITAL ASSETS: WHAT A MESS THEY CAN BE



By Carina Lyn Roselli, Esq.

Many people think the term “digital asset” refers only to cryptocurrency and nonfungible tokens (NFTs), but that’s not right. In this ever-expanding age of technology, a significant amount of your personal property is digital.

## YOUR DIGITAL ASSETS

As our lifestyles become increasingly more digital, we take for granted the things we actually own and do in the digital realm. But, have you ever felt the panic that strikes less than a milli-second after you can’t find your phone? Most of us have. Most of us are absolutely TERRIFIED of losing that little digital device. Why is that? Well, aside from it being intentionally designed like a highly addictive drug, I’ve often said, “My whole life is on that phone.” And it kinda is.

For estate planning purposes, your “digital assets” include but are not limited to:

cryptocurrency and NFTs; all data, files, text messages, emails, documents, audio, video, photos, images, sounds, social media/networking content, apps, codes, credit card points, travel-related miles and points, computer source codes, computer programs, software, software licenses, databases, or the like, including access credentials such as usernames, passwords, and answers to secret questions, which are created, generated, sent, communicated, shared,

received, or stored by electronic means, including in the cloud; email accounts, social media/networking accounts, file sharing accounts, health insurance accounts, health-care accounts, financial accounts, credit card accounts, travel-related accounts, domain registration accounts, domain name service accounts, web hosting accounts, tax preparation service accounts, online store accounts, and affiliated programs thereto, including accounts with publishers, internet service providers, retail vendors, utility companies, and any other online accounts which currently exist or may exist as technology develops.

That’s a lot.

## YOUR DIGITAL MESS

You need to include your digital assets in your estate planning to avoid leaving your loved ones and fiduciaries hamstrung or in a hot mess.

1. Without a plan, your digital assets may get lost in the internet ether because no one knows they exist. If no one knows they exist, no one can use, manage, monitor, or shut them down for you. In days gone by, your Power of Attorney (assuming you have one), Executor (assuming you have one), or Trustee (again, assuming you have one...) could figure out what accounts you had

Providing virtual and concierge legal services in the areas of Life, Legacy & Estate Planning Equine Legal & Business Services

NO ASSISTANTS.  
NO RECEPTIONISTS.  
NO OUTSOURCING.  
IT'S JUST YOU AND ME —  
AND I'M FOCUSED ON YOU!



Carina Lyn Roselli, Esq.  
CLR Law, PLLC  
202-599-5960  
carina@clrllaw.pro  
www.clrllaw.pro  
www.facebook.com/clrllawpllc



Protect your child's future. Build a family legacy. Pass on more than money.



Protect your horses. Protect your business. Protect your passion.



fiduciaries' inability to access your online accounts could affect your Guardians' ability to care for them.

## OTHER IMPORTANT CONSIDERATIONS

In 2023, there were nearly 2.5 million reported cases of theft of deceased peoples' identities. This form of identity theft is aptly called "ghosting" and includes opening fake credit card accounts, applying for loans, purchasing goods and services, and even filing tax returns under the decedent's name. Creating a plan that permits your loved ones and fiduciaries to manage, monitor, and shut down your digital accounts—and therefore your digital identity—can minimize the risk of identity theft.

Cryptocurrency and NFTs are special assets requiring special planning (outside the scope of this article).

by going through your mail, but how many of your bills are now paperless?

2. If you become incapacitated, your Power of Attorney or Trustee may need to pay your bills, manage your medical insurance, access your bank accounts, or just buy stuff for you on Amazon. The issue noted in #1 remains true, but even if your Agent or Trustee knows these accounts exist, where will they find your usernames and passwords? Without a plan and a place to securely store this information (and since that's probably digital, the username and password needed to access it), your fiduciaries won't be able to do very much for you.
3. The access issue noted in #2 is even more problematic when you die. Your Executor and Trustee will need to access virtually all of your online accounts to successfully marshal your assets and use, manage, monitor, and then shut them down for you. If they don't have the information necessary to access these accounts, they will spend a tremendous amount of time and energy jumping through a million and a half hoops to get it. If you die with a Will, Probate won't end until everything is sorted, even if it takes years. If you die having a Trust, carrying out your directives will be a protracted struggle for your Trustee, to the detriment of your beneficiaries. If you have minor children, your

## WHAT TO DO

1. Take inventory of your digital assets, including all online accounts and their current usernames and passwords.
2. Store this information on a secure online platform specifically designed for life and death planning. Because everything changes, these platforms are a safe place to store and update important documents and information (like usernames and passwords).
3. In preparation for your incapacity or death, assign your fiduciaries as additional users to your account (you can curate their access to information). Make sure to consider how tech-savvy someone is before appointing them as your fiduciary.
4. Work with an estate planning attorney to properly incorporate your digital assets into your Power of Attorney and Will or Trust-based plan.
5. Consider making your estate planning attorney an additional user so, if all else fails, someone having a fiduciary duty can access the information.

If you'd like some help getting your digital house in order, visit my website at [www.clrlaw.pro](http://www.clrlaw.pro) to send me a note or make an appointment to get started.



# TRUE NORTH

Psychological Services

HELPING YOU FIND YOUR WAY

[WWW.TNPSNOVA.COM](http://WWW.TNPSNOVA.COM)

703-226-9815

