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ESTATE PLANNING
&
ELDER LAW SERVICES



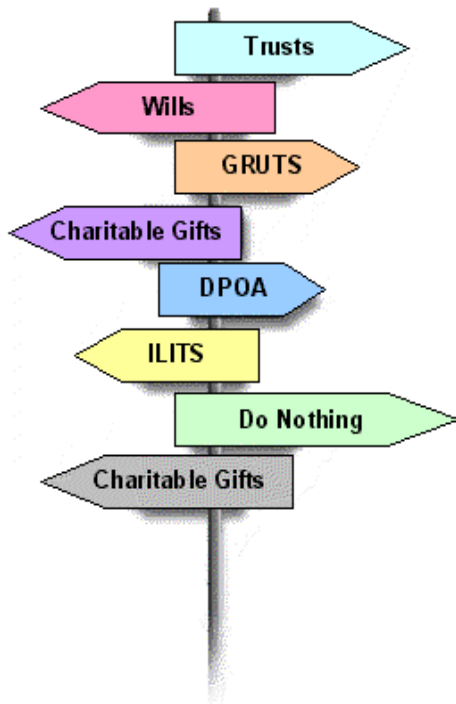
Estate Planning Basics in 2015

Reasons for Estate Planning

Because proper planning lets you:

- **Avoid the Probate Court (lifetime and death)**
- **Maintain control of your healthcare and finances during life and after death**
- **Provide for loved ones (i.e. – minors)**
- **Minimize or avoid Taxes (Capital Gains, Estate, Income, etc.)**
- **Help with Long Term Care planning**

What Are My Estate Planning Options?



- **Do Nothing**
- **Will Based Planning**
- **Joint Ownership/POD's**
- **Trust Based Planning**

Why Do Assets Go Through Probate?

**Individually
Owned Property
+
Death or
Incapacity
= PROBATE**

When there is no living or competent owner to control an asset, that asset is “frozen” and can only be “unfrozen” by the Probate Court.

Lifetime Probate

If you become incapacitated, with no estate plan, the Probate Court will appoint someone to act in your place.

A person appointed to make financial decisions under Probate Court supervision is call a Conservator.

A person appointed to make medical decisions under Probate Court supervision is called a Guardian.

What Doesn't A Will Accomplish?

A Will does NOT:

- **Protect you or your family from Probate court**
- **Take effect during your lifetime**
- **Help you or your family if you become incapacitated**
- **Protect your assets from the cost of long term care**
- **Avoid distributions to immature beneficiaries**
- **Protect you from Estate, Gift or GST Taxes**

The Perils of Joint Ownership

- **Improper drafting**
- **Loss of control over assets**
- **Creditor exposure**
- **Undermines your Will**
- **Creates capital gains tax problems**
- **Possible Medicaid disqualification**
- **Wastes exemptions and deductions**

The Benefits of a Living Trust

With a Revocable Living Trust :

- **Avoid Probate**
- **Control**
 - Who receives your assets**
 - When and how assets pass**
 - Who's in charge**
- **Maximize Medicaid planning opportunities**

Assets Held in Trust Avoid Probate

Trust
Owned Property
+ ≠ PROBATE
Death or
Incapacity

Owning your assets as Trustee avoids “asset freeze” and the Probate Court.