Presented by

Estate Planning & Elder Law Services

Estate Planning Basics in 2015
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?**

![Equation Diagram]

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.
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 called 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

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