



Your Legacy Connection

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Would you like to know a little more about estate planning? Or stay on the leading edge of your profession?

Upcoming seminars include:

- Dreaded Probate
- Probably Not Just a "Simple" Will
- Medicaid: Alternative Facts
- Nonprofits: Good Intentions and the Road to the IRS

If You Own Out of State Property, Establish a Trust

By Hallie L. Zobel, Esq.

If you own out of state property, it's almost a certainty that you and your family will be better served by a trust instead of a will.



Why is that?

First, consider that probate is unavoidable with a will. Many of my clients arrive at my office assuming that probate is only for those that are intestate, or without a will. The decedent's loved ones are often confused and frustrated with the hassles and paperwork involved in probate when they are already going through a difficult time.

Secondly, if you own out of state property, your loved ones will not only have to go through probate in the state in which you live, but they will have to have probate cases opened up in each state where a piece of land, vacation home or timeshare is owned. This is known as Ancillary Probate.

When you consider the cost of hiring multiple attorneys for multiple probates, and you consider the headaches that your heirs will go through in dealing with each state's differing laws, and in re-titling property...a revocable living trust is likely to be much more cost-effective in the long run.

However, it's important to understand that under Florida law, these living trusts will still be subject to creditor claims for up to two years.

What about titling property jointly with rights of survivorship?

Visit www.YourCaringLawFirm.com to read the rest of this blog, and why, in general, we advise against joint accounts and titling!

Veterans: You May be Eligible for Aid & Attendance Benefits

By Mary Merrell Bailey, Esq., CPA MBA MSTax MSAccounting

The 50th anniversary of the Vietnam War was commemorated on April 5, 2018.

Many Vietnam vets or spouses of Vietnam vets need assistance with daily tasks, personal care, medical bills and the costs of assisted living facilities. Aid and Attendance Benefits offers cash payments not only to the veteran, but also to the spouse or surviving spouse.

It is the only federal government benefit I know of that will pay for in-home care, assisted living, and skilled nursing. Medicaid pays only for skilled nursing.

The application process was brutal. I am a CPA and an attorney and I fill out paperwork for a living, and we finally had to get Senator Marco Rubio's office involved to get my Mom's application processed. (My father was General Eisenhower's driver and bodyguard in WWII, and this benefit was a blessing to my mother.) It is worth it. The benefits – \$2,169 per month for a married veteran, or \$1,176 per month for a surviving spouse who did not serve, for example – are retroactive to the application date.



Eligibility

- ▶ Vietnam vets (or your spouse or widow/widower) who want to apply must meet certain qualifications.
- ▶ You must not have been dishonorably discharged.
- ▶ You must have served at least 90 days in active duty with at least one day “in country” from February 28, 1961, otherwise from August 5, 1964 through May 7, 1975.
- ▶ You must need the aid of another person to perform personal functions; or you must be bedridden, blind, or in a nursing home.
- ▶ You must be 65 years or older to qualify, or if under age 65, completely disabled.
- ▶ You must meet income and asset limits. The amounts are relatively generous, and unreimbursed medical expenses reduce your annual income, so save your medical records and payment receipts.

How to Apply

VeteranAid.org has a list of all documents that should be gathered ahead of the application and complete details about the process, including the appropriate processing center by state address. There also are service organizations available to help.

If you are applying on behalf a veteran, know that your beautifully-prepared-by-Your Caring Law Firm Durable Power of Attorney will not be recognized by the VA. Sigh. The VA must approve you as a fiduciary.

Please file the optional one-page “Intent to File” letter, VA Form 21-0966, to get the claim into the system and establish a retroactive date for payments. The actual application forms are VA Form 21-527EZ (For Veterans) or VBA-21P-534EZ-ARE for a surviving spouse. Use certified mail when sending your application, and keep records of every person you speak to by name, date, and phone number, as well as every piece of correspondence you send or receive.

Stranger Things from Beyond the Courthouse

By Hallie L. Zobel, Esq.

In January I gave a presentation to a group of local professionals. I decided to call it Stranger Things, because some things I've seen in my career really are stranger than fiction!

Recent surveys from Caring.com show that only 42% of U.S. adults have estate planning documents. The following cases could have been easily avoided with those documents in place.

(All names in the following case examples have been changed.)
The full post is available on our website.

Elizabeth Always Had a Plan

Elizabeth's son, Steve, came to us in when his mother was becoming forgetful. She had dementia. She had no durable power of attorney or other legal documents. After six years of petitioning the court to be her legal guardian, and \$24,000 in attorneys fees, her documents were found during a move.

Get the Right Ticket for the Right Bus

Maggie's daughter, Sally, came to our office in 2017. Her mother had a Michigan Will, but had "gotten on the bus" here in Florida. Unfortunately, the Michigan Will was not self-proving (not notarized and signed by two witnesses and the testatrix). This means the Florida Court is unable to accept the Michigan Will into probate, and the probate is stalled.

Just When You Think You Know Someone

Frank and his wife, Sue, are in their 80's, and they have decided to get a divorce after 20 years of marriage. Frank has the beginnings of Alzheimer's Disease and no legal documents stating who shall make health care decisions or financial decisions if he cannot. This is known as Pre-Need Guardian document. Sue has her own memory issues, but has sold Frank's property, and is battling his son for legal guardianship of Frank.



There are more examples in my original post online. But if any of this sounds familiar, please schedule an appointment!

"I'll make an appointment with an attorney when the XYZ situation sorts itself out. We're in a huge transition and we can't give the answers to generate a proper estate plan."

"I don't have enough assets to worry about. I'll just draw up my documents online."

"I have life insurance and I have a durable power of attorney. I'm young and I don't need to worry about anything else right now."

Trust us, these are normal procrastinations!

No time is perfect, but with proper guidance, every one of these clients could have saved tens of thousands of dollars and the associated heartache.

Call us today, and we will get your documents in order.

Spoiler Alert!

Your Gen X and Millennial kids have absolutely no interest in your things.

They don't even care about their own things.

We suggest you invite your loved ones to dinner and ask them what they can take home with them right now.

For everything left that no longer "sparks joy" for you, we have some ideas from National Old Stuff Day:

1. Old Suits and Work Clothing: Dress for Success of Greater Orlando or the Orange County Public Defender's Office.
2. Furniture and Working Electronics: Mustard Seed of Central Florida
3. Linens and Kitchen Items: Harbor House of Central Florida

Give your old stuff a meaningful send off!

Have You Visited our Website Lately?



Our video library has been updated! You'll find answers to questions such as, "Can my RV or Boat qualify as Homestead?" (The answer is an unequivocal maybe.)

New educational shorts feature information about what a Revocable Living Trust does for you, and whether or not you and your spouse may be good candidates for a Joint Trust.



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Test Driving FindaRideFlorida.com

By Mary Merrell Bailey, Esq., CPA MBA MSTax MSAccounting

A new website from the Florida Department of Transportation's Safe Mobility for Life Program, www.FindaRideFlorida.com, is designed to offer solutions to aging adults (and others) who have given up their car keys. The biggest advantage of this site is the sheer number of options you'll find in one place. The biggest disadvantage of this site is the sheer number of options you'll find in one place!

Click the More Info buttons under each service, and you will find practical information. Fields include approximate costs, types of needs and trips serviced, special accommodations, dispatch policies and more.

While not perfect, this website is a huge, helpful step in the right direction.

Kudos to the FLDOT for having recognized this need in our community and for providing such a comprehensive directory of transportation options. New educational shorts feature information about what a Revocable Living Trust does for you, and whether or not you and your spouse may be good candidates for a Joint Trust.

Client Appreciation Social

Complimentary continental breakfast, prizes, staff meet & greet, and presentations from Merrell and Hallie.

May 19, 2018
The Country Club of Orlando

More info on our website!



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