

In the News

EPLO Gives \$1,500 Scholarship

Meaghan Marie McCausland of Millbury, MA, a graduate of Millbury High School, received a \$1,500 education scholarship from Estate Preservation Law Offices. Meaghan will attend Keene State College (NH), where she plans to major in elementary education with a focus in special education.

40 Under Forty

The *Worcester Business Journal* named Linda Cammuso one of its 40 under Forty Award recipients for 2011. The publication has been honoring young leaders in the Central Massachusetts business community since 2000. Linda was selected because of her professional achievements and community outreach where she dedicates herself to encouraging and empowering youth to take control of their futures.

Super Lawyers

For the second year in a row, Brendan King has been named a Massachusetts Rising Star. Fewer than 5 percent of lawyers in Massachusetts qualify for this recognition. The annual selections are made using a rigorous multi-phased process that includes a statewide survey of lawyers, an independent research evaluation of candidates, and peer reviews by practice area.

Equine Affaire

Melissa Gleick will participate in the Equine Affaire, which will be held from November 10-13, 2011 at the Eastern States Exhibition in West Springfield. Melissa will educate horse enthusiasts about the recent Massachusetts Law that allows owners to create trusts to ensure the financial security and well-being of their animals in the event of the owner's death or disability.

Disability and End of Life Planning Checklist

See **Disability and End of Life Planning** article on page three

Essential:

- Will
- Trust(s)
- Durable Power of Attorney
- Health Care Proxy/HIPAA Release
- Living Will
- Funeral insurance policies or pre-paid funeral arrangements
- Letter describing last wishes (if desired)

Include either current copies of these documents or a listing with locations:

- Deeds
- In-force life insurance policies and annuity contracts
- Bank statements showing bank contact information and account numbers
- Brokerage statements with account number, broker name and contact information
- IRA, pension, all retirement fund information, as appropriate
- Income tax returns

- Homeowners insurance policies
- Auto and vehicle insurance policies
- Long-term care insurance policies
- Disability policies
- Business owners: corporate/company records (including share certificates and shareholder agreements)
- Titles to Vehicles

Also consider:

- Contact info for Executor, Successor Trustee, Financial Advisor, Accountant, Insurance agent
- Names and numbers of your primary care physician and any specialist(s) as well as a list of prescription medications
- A copy of Medicare, Medicaid or other health insurance cards, and any other medical information you feel is relevant.
- Birth Certificate
- Marriage License
- Divorce Decree
- Employer information
- Military discharge
- Citizenship documents
- List of credit cards
- List of debts



Estate Preservation Law Offices

BRIDGING THE GAP

between traditional estate planning and asset protection

Fall 2011 • Issue #3

Practice Areas

Estate Planning
 Asset Protection Planning
 Business and Corporate Planning
 Tax Planning -
 Corporate and Individual
 Elder Law and Medicaid Planning
 Estate and Trust Administration
 Guardianships and Conservatorships
 Special Needs and Disability Planning
 Financial Aid Planning
 Veterans Benefits Planning
 Charitable and Exempt Organizations
 Equine and Pet Trust Planning

Locations

Our main office is located at
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 Worcester, MA 01609
 508-751-5010
www.estatepreservationlaw.com

For our clients' convenience, we also have offices in Braintree, Cambridge and Hyannis, MA

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Layers of Protection: From Estate Planning to Total Estate Preservation

People commonly assume that estate planning and asset protection planning are one and the same. In reality, estate planning by itself does very little to protect your estate during your life.

Estate planning is the process of creating legal documents to dispose of one's estate. By itself, however, even the most sophisticated estate plan may not protect your wealth against the many unforeseen events and economic threats that exist today. Asset protection planning bridges the gap between traditional estate planning and true estate preservation to ensure that your assets are protected for you to enjoy during your lifetime, and preserved for your loved ones in the future.

Even within the realm of asset protection planning, traditional models have evolved over time to address the concerns of individuals and families across the spectrum of society. From its initial focus

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Brendan J. King

Linda T. Cammuso

EPLO Case Study

Asset Protection Case Studies: The Good, The Bad and The Ugly

The Good

• Peggy was rushed to the hospital after a debilitating stroke. Years before, Peggy established an irrevocable trust, into which she transferred ownership of her home and investments. The cost of Peggy's extended stay in a nursing/rehab facility was completely covered, and when she finally returned home, her assets remained secure.

The Bad

• Albert owned a successful business, had an impressive home and enjoyed the good life. He kept promising his wife and family he would meet with an attorney to discuss estate planning - and as with all well-intentioned but busy people, he meant it. When Albert's life was tragically cut short, his lack of advance

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Layers of Protection

Continued from page one

on the unique concerns of high-net worth individuals, asset protection planning has become as much about protecting the financial interests of everyday families. You do not need to be wealthy to have asset protection concerns; In fact, the most common lifetime threats to financial security - lawsuits, creditor problems, failed business ventures, bankruptcy, divorce, disability/special needs and long-term care/nursing home stays, to name a few - affect individuals of all financial profiles.

Comprehensive asset preservation should be a part of everyone's life. At Estate Preservation Law Offices, our plan-

ning model is multi-faceted and focuses on developing customized plans that respond to your unique life circumstance. Many clients who start our process thinking they need "just a will" end up discovering exposures they did not even realize they had, and complete their plans with newfound security and confidence about the future.

In developing integrated and comprehensive asset protection plans, our strategies include:

- Helping clients recognize potential exposures that they and their beneficiaries have - and the role that

advance planning plays in reducing or eliminating such threats

- Developing strategies to protect and preserve your assets including your home, investments, business and, importantly, the lifestyle you have worked so hard to build
- Protecting your estate from probate fees and excessive income, gift and transfer taxes

Ultimately, you should be able to enjoy your unique style of life free from unwarranted financial threats. Asset protection planning is the vehicle that can make that happen for you.

Asset Titling

Titling of Assets: The Key to a Successful Estate Plan

As estate attorneys, we see all too frequently the disconnect that exists between people's dispositive estate planning documents - i.e. the will and trust(s) - and the titling of their assets. In reality, it is the ownership and beneficiary designations of your assets - NOT the provisions of your will or trust - that control who gets the assets when you die.

Proper titling is the key to the proper disposition of your estate. In the estate planning process, this is referred to as "funding" the estate plan. At EPLO, we lead each and every client through the "funding process" as a separate and distinct stage of the planning process. We sit down with clients

and review the ownership of all assets, including real estate, bank accounts, investments and business interests, as well as the beneficiary designations on life insurance, annuities and retirement accounts. The purpose of this exercise is to ensure not only that the assets pass to the intended individuals, but also in the most tax-efficient manner. Additionally, some assets, such as the primary residence, should be titled in a certain way to maximize asset protection benefits.

The funding process can be a time of surprising discoveries or revelations for clients. For example, many clients have discovered that an ex-spouse or deceased relative is still

named as a beneficiary of a life insurance policy or retirement account, or that only one child is named as joint owner on their bank accounts. The funding exercise provides an opportunity to identify and correct titling and beneficiary designation flaws that would otherwise frustrate the intent of your estate plan.

Proactive and deliberate titling of your assets is key to ensuring your estate plan works as you intended. To make sure the titling of your assets integrates with your estate plan, contact EPLO today. We will assist you in considering the consequences of your current titling and identify the best solutions to accomplish your objectives.

End of Life Planning

Disability and End-of-Life Planning: A Gift for Your Beneficiaries

Editor's Note: On page four is a Disability and End-of-Life Legal Planning Checklist. We urge you to assemble these essential documents.

Proper disability and end-of-life legal planning is one of the most thoughtful things you can do for your family. Poor planning - or worse, no planning - leaves grieving families in the difficult position of searching for information and making sensitive decisions with no authority or guidance.

Do not assume that your spouse, children or other family members can easily take charge and make decisions on your behalf in the event of illness or disability. As a starting point, they may lack the legal authority to handle your affairs. Although this can be addressed with some simple legal planning in the form of a Durable Power of Attorney for financial matters and a Health Care Proxy for medical decisions, many people have never signed these critical documents. What about the names of your attorney, accountant and financial advisor - would your family know who these individuals are or where to find them? The list of information your family will need is critical, and surprisingly lengthy. And as with any task, there's no time like the present to begin tackling it.

How to begin

Start with yourself and your family. Recognize the importance of addressing disability and end-of-life issues for yourself or a loved one - now.

Speak to a professional

The EPLO staff is prepared to assist you through this process. We will help to ensure that your legal affairs are in order and your documents up-to-date. Other professionals you may want to consider speaking with about end-of-life planning concerns include your financial advisor, accountant, funeral provider and clergy.

Gather your important papers

Locate and gather your paperwork (see checklist on page four). Although assembling all these items can feel daunting, take it slowly. And, anticipate how relieved you and your family will feel when the task is done.

Secure documents in a safe place

Be sure key family members or friends know where this information is kept. Your design-

nated agents under your durable power of attorney and health care agent should know you have selected them for these roles. Be sure also that someone has access to the original documents - ideally, these should be kept with your attorney. Keep a master list of your documents - and their location - in an accessible place.

Keep legal documents current

Review and update your documents as needed. If something major changes in your life, speak with your attorney. Ideally, every few years your estate plan should have a comprehensive review by your attorney, and you should "refresh" your durable power of attorney and health care proxy.

Being proactive is the best way to ensure that your wishes are honored and that you and your family can handle end-of-life matters with dignity and preparedness.

Case Studies *Continued from page one*

planning left the business in disarray, his family with no income and his estate stuck in a complicated probate.

The Ugly

- Charlie and Betty transferred their home to their three sons, Tom, Bill and Ron, to protect it from the nursing home. The following year, Tom's son lost his college scholarship because Tom's ownership in the house disqualified the family from financial aid. Shortly thereafter, Bill filed for bankruptcy, and his interest in the home was attached by creditors. To top it off, Ron's wife filed for divorce, and sought Ron's ownership in the property in the divorce settlement. In their efforts to protect their home from long-term care, Charlie and Betty instead lost it to the financial exposures of their children.