

ARE YOU PREPARED?

THE IMPORTANCE OF PLANNING YOUR ESTATE

Are you prepared? Have you given serious thought to your estate planning, final wishes, and your beneficiaries? A small amount of time rendered in planning can avoid a great deal of misunderstanding, and even distress, for your beneficiaries. You can easily avoid the possibility of your hard-earned money being used as a weapon of discord between your beneficiaries.

A trust is a legal document created by the grantor to have a trustee manage their assets for their beneficiaries. The most common type of trust is a revocable trust, which can be changed by the grantor during their lifetime, but becomes irrevocable upon the grantor's death or incapacitation. In specific cases, Florida has provided new statutes wherein an irrevocable trust can be modified or "decanted" by "pouring" existing assets into new trusts in accordance to changes in the law, but without changing beneficiaries.

You are not prepared if you have not planned for your incapacity. It is important to choose a fiduciary (power of attorney or trustee) that you have confidence in to handle your financial affairs during your lifetime if you are unable to manage your own affairs. It is not enough just to have a will prepared to dispose of your assets at your passing. A trust can be useful for many purposes including incapacity planning, tax planning, asset protection, and control in the instance of 'spendthrift' beneficiaries.

The first consideration you need to make is choosing a qualified attorney to prepare your estate-planning documents. Do your research— don't cut corners or count on the Internet as a means. Be sure the advisor drafting your estate plan is qualified and Florida Board Certified in Wills, Trusts and Estates. To be Florida Board Certified requires a vigorous exam and recertification every five years. This recertification requires the reporting of the annual number of cases

per year handled by the attorney prioritizing trusts, wills, and estate planning to ascertain that is their specific field of expertise and practice.

Next, consider and weigh carefully your choice of fiduciary (trustee or power-of-attorney designee). Whether a family member, friend, or independent fiduciary, this person should be privy to knowing your family and your personal wishes. This individual must be very detailed, organized, and fair, and also be prepared to assure the continuation of your financial and legal responsibilities. They will make decisions regarding your assets in multiple events, including illness, mental incapacity, and death.

Mary Beth Crawford, a Florida Board Certified Attorney in Wills, Trusts and Estates for Cummings & Lockwood, a nationally known trusts and estates firm, stated it simply. "We know it is not an easy topic to deal with, however, it is important to prepare for your incapacity and death in order to avoid unintentional consequences for your family." Ms. Crawford stressed the importance of communication with your family during your lifetime, even recommending that you have a family meeting to discuss your specific wishes so that all are onboard and informed, avoiding misunderstanding and conflict later on.

In conclusion, you may want to think about taking steps to protect your estate and your assets. Talk with your family and consider a qualified attorney and trustee. This will not only bring you peace of mind, but also insure your assets are handled properly and your beneficiaries are protected.

When considering a qualified attorney, consider the attorneys at Cummings & Lockwood LLC, located in Bonita Springs, Naples and Palm Beach Gardens, Florida.

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