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Upcoming Webinars:
Tuesday, August 16 at 6pm
Tuesday, August 23 at 10am

GET ANSWERS TO YOUR QUESTIONS:
How do I protect my health, home, lifesavings, family and legacy?
Why is an outdated will worse than no plan at all?
How can I be sure people I trust will make medical and financial decisions for me, if I cannot?
How can I control the care I get (and do not get) in a medical emergency?
How can I protect my kids’ inheritance from divorce, bankruptcy, and their own poor decisions?
How do I avoid heavy taxes from the new law on my retirement plans (like my IRA or 401k)?

Join Us
at Our Live, In-Person,
Group Workshops!

Grand Rapids
Tuesday,
August 16
6pm
(616) 361-8400
4965 East Beltline Ave NE
Grand Rapids, MI
www.DavidCarrierLaw.com
email: David@DavidCarrierLaw.com

Holland
Thursday,
August 25
1pm
(616) 796-9600
12330 James Suites B10
Holland, MI

The Michigan Elder Law Reporter™
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TRUTH STRANGER THAN FICTION...
MAIL BAG OF MADNESS!
COULD WE MAKE THIS UP? WHO HAS THAT MUCH IMAGINATION?
(SPELLING? PUNCTUATION? EDITING? NO CAN AFFORD!) (WARNING: NOT LEGAL ADVICE!)

Can a guardian evict/kick someone off of a property the guardian has no rights over?

I have been cleaning up a property that belongs to my great grandma who is now in a nursing home. I was verbally told that if I could clean the property up and work on paying the back taxes, I could work on owning the property. But now she is stating she never said that and told me my mother is not to be on the property when she never told me she couldn't. I was would like to know where her rights as a guardian plays into this property. She does not own anything.
Shortest Answer: Yes. Absolutely.
Short Answer: You are more screwed than you have imagined.
Unkind Comments: 1. Next time, when lawyers and judges are talking, pay attention! And when you do not understand, ask questions! 2. “Verbally told”?!? Seriously? 3. A stitch in time saves nine. 4. An ounce of prevention is worth a pound of cure. 5. Kiss Great Grandma’s house good-bye. Also, you’ll never get paid for your clean up or back taxes. Also, your mom’s getting evicted.
Kinder, But Not Much Kinder, Comments: 1. You are not alone. Regular folks, just like you, lose houses, lifesavings, peace of mind, work, effort, blood, sweat and tears, in similar circumstances every day. Hundreds, if not thousands of times every day. 2. It’s not your fault that you did not know. After all, there’s no 2-hour, live, weekly call-in radio show that provides this information (except on WOOD 1300 AM and 106.9 FM; WKZO 590 AM and 106.9 FM; WHTC 1450 AM and 99.7 FM; various others). There are no free workshops every week the Good Lord brings, in Norton Shores, Grand Rapids, Holland and Portage. No free videos on the website whenever you want ‘em. And certainly, there’s no Michigan Elder Law Reporter to let you in on the secrets. 3. Middle-class families routinely get chewed up and spit out by the long-term care system, you have lots of company. 4. Getting Great Grandma to avoid nursing home poverty is not easy. 5. Cleopatra is not the only Queen of Dee-Nile (Get it? Dee-Nile = denial! Funny, eh.)
Long Answer: Can we unpack this suitcase of suffering sadness? This trunk of troubled tribulation? This package of perplexing pain? This valise of vigorous vivisection? This bag of the boggling blues? This container of cloudy consternation? Let us begin.

WHAT IS IT ALL ABOUT?
1. Everyone is getting older.
2. Some older people lose their minds.
3. At age 65, you have a 70% chance of needing an average of 3 years of long-term care services. 20% will need more than 5 years of services. https://acl.gov/ltc/basic-needs/how-much-care-will-you-need
4. When people lose their minds, others must make their financial and health care decisions.
5. A few people take action to decide who will make their decisions if they lose their mind. These blessed few do Trusts, Powers of Attorney, Designations of Patient Advocate. Mind lost? No probate. No problem. Thankfully.
6. Most people take no action. If you are in the majority and lose your mind, a Probate Court Judge will decide:
a. Whether you have lost your mind
b. Who makes health care decisions (Guardian) for you
c. Who makes money decisions (Conservator) for you
7. Judge decides on Clear and Convincing Evidence. Presented in open court. On the record. Which is not humiliating or degrading at all. Ever.
8. If you get better, you must convince the Probate Court Judge by Clear and Convincing Evidence that you are now OK. Which is not humiliating or degrading at all. Ever.
9. With a Guardian, you are a legally incapacitated person. You cannot make decisions for yourself. Your legal rights? Extremely Limited. Will anyone care what you say?
10. Your Guardian and Conservator files annual reports with the Court.
11. Will the Guardian or Conservator be a family member? Will you get a Public Guardian? Ask the Judge. You had your chance and blew it. Don’t worry. Be happy.
Great Grandma failed to plan. Great Grandma went to Probate Court. And now a Public Guardian will decide everything for Great Grandma. Will the Guardian be guided by the specific, unique needs and aspirations of Great Grandma’s family? Or will the Guardian faithfully follow Probate Court protocols, one size fits all, the law’s best guess as to what most families would mostly do?
You have 3 guesses. Guesses 1 and 2 don’t count.

How IT PLAYS OUT
Statement: I have been cleaning up a property that belongs to my great grandma who is now in a nursing home.
Response/Observation: Great Grandma is probably in a skilled nursing facility on Medicaid. Average monthly cost of a skilled nursing facility is \$10,000 – 15,000 per month. At the former Kent Community Hospital, residential, high-level skilled care is more than \$25,000 per month. If Great Grandma is not already on Medicaid, she soon will be. And if Great Grandma has money, why the “back taxes”?

Statement: But now [GUARDIAN] is stating she never said that
Response/Observation: Of course the Guardian is denying ever having promised you the property if you cleaned it up! It is unbelievable that any Guardian with any sense of their fiduciary duty as Guardian would say such a thing. Not credible. And that’s why we write things down. Because maybe (however unlikely) the Guardian did agree to something like this. But no one will believe it.
In Merrie Olde England, 450 years ago, Parliament created the Statute of Frauds. To stop folks from cheating each other. Our Founding Fathers adopted the Statute of Frauds for American law. The Statute says any contract for land must be in writing. End of story. See you later. Done.
Statement: [GUARDIAN] told me my mother is not to be on the property when she never told me she couldn't.
Response/Observation: I did not tell you that your mother could not live in my house either. That does not mean that she can.
The Guardian’s job is to preserve Great Grandma’s property and to use it for Great Grandma’s benefit. If the Guardian chooses to evict you from Great Grandma’s home, Guardian can do it. You have no right to control Great Grandma’s home. If you allow someone else into Great Grandma’s home without authority, the Guardian can evict them. Even if the squatter is Great Grandma’s grandchild.
Statement: I was would like to know where her rights as a guardian plays into this property. She does not own anything.
Response/Observation: The Probate Court gave Guardian all Great Grandma’s rights over Great Grandma’s home. That’s the whole point of having a Guardian. It is a big deal.

WHAT IS THAT SIZZLING SOUND?
VAPORIZED LIKE A SNOWFLAKE ON A HOT GRIDDLE
IT IS YOUR LIFESAVINGS IMPLODING AT \$12,000 PER MONTH

Traditional estate planning is concerned with avoiding probate, saving taxes, and dumping your leftover stuff on your beneficiaries. After you die. Nobody cares what happens to you while you are alive. How does that help anyone? Stupid.
Traditional estate planning fails because the overwhelming majority of us will need long-term skilled care. 70% of us. For an average of 3 years. And we will go broke paying for it.
Is it surprising that thousands of recreation properties: cottages, cabins, hunting land, are lost to pay for long-term care? Why is your estate planner hurting you and your family? It is evil intent? Or stupidity?

LifePlanning™ defeats Nursing Home Poverty. Keep your stuff. Get the care you have already paid for. Good for you. Good for your family. Good example for society, When my mother suffered from the dementia which led to her death, over 10 years ago, their estate plan preserved their lifesavings. Mom’s months in the nursing home did not mean Dad’s impoverishment. Dad spent the last years with security and peace of mind.
IS NOW A BAD TIME FOR A REAL SOLUTION?
Perhaps you think you already have an answer to this problem. Maybe you do not see this as a problem at all. It is possible that you do not believe in the passage of time or its effects on you.

Peace of mind and financial security are waiting for everyone who practices LifePlanning™. You know that peace only begins with financial security. Are legal documents the most important? Is avoiding probate the best you can do for yourself or your loved ones? Is family about inheritance? Or are these things only significant to support the foundation of your family?
Do you think finding the best care is easy? Do you want to get lost in the overwhelming flood of claims and promises? Or would you like straight answers?
Well, here you are. Now you know. No excuses. Get the information, insight, inspiration. It is your turn. Ignore the message? Invite poverty? Or get the freely offered

information. To make wise decisions. For you. For your loved ones.
The LifePlan™ Workshop has been the first step on the path to security and peace for thousands of families. Why not your family?

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WOOD
wood 8
13 ON YOUR SIDE
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