

GET Answers To Your Questions:

How do I protect my health, home, lifesavings, family

Why is an outdated will worse than no plan at all?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)?

Come to the LifePlan<sup>TM</sup> Workshop!

Get Answers at Our Live, In-Person, **Group Workshops!** 

**Grand Rapids Holland** Saturday, Tuesday, November 5 **November 8** 1pm 10am

(616) 796-9600 (616) 361-8400 4965 East Beltline Ave NE Grand Rapids, MI 12330 James Suites B10 Holland, MI

www.DavidCarrierLaw.com email: David@DavidCarrierLaw.com

# The Michigan Elder Law Reporter™

OCTOBER 2022

32 Years Serving Michigan Seniors

VOLUME 32, ISSUE 10.5

CREEEEPY COMMUNICATIONS FROM THE CRYPT...

## ABANDON HOPE ALL YE WHO SEND LETTERS HERE

TRUTH STRANGER THAN FICTION

TERRIFYING TYPOS – SLAUGHTERED SYNTAX – PAINFUL PUNCTUATION – OBVIOUSLY ORIGINAL AND STILL NOT LEGAL ADVICE!!

Do Not Spoil Your Golden ANNIVERSARY OR OPPORTUNITY

IS IT POSSIBLE FOR A MARRIED WOMAN TO HAVE A TRUST IN ONLY HER NAME OR MUST HER HUSBAND BE ON IT TOO?

I had an inheritance trust in my name only but when we moved to Mi and wanted to change to the new assets I was told my husband and I had to both be on it. This has been no problem, we've been married almost 50 yrs and all is well except he is showing the very first stages of dementia and I would like to keep him from damaging our retirement fund. Can I have the trust in my name and my son's name. He will take care of the trust when we die.

Short Answer: Possible for a married woman to have her own trust? Yes. Of course. This isn't Russia. (Is this Russia? No!) So yes of course you can have your own trust. And eat it too!

Longer Answer: Your deceased relative was uncommonly on the ball! Almost all estate planners overlook the charming opportunities presented by death. Sorrowfully, most simply dump assets on beneficiaries. Such laziness would be malpractice, except everybody's doing it. Because monkey see/ monkey do is a pretty good defense against malpractice. Also know as the "generally accepted standard of care". Poor standard of care, poor results... but not malpractice. Why isn't the standard: 'best practices"? Don't know Shouldn't the test be, did you do the best thing? Hmmm. Let's dig up that corpse next Halloween.



SHE: YOU ONLY LOVE ME FOR MY TRUST! HE: YEAH SO?

The Good: Your relative left you assets in trust. Hurrah! Of course, we do not know the terms of the "inheritance trust," but let us (charitably) assume the best. Let's guess that your "inheritance trust" was structured as a third-party supplemental needs/discretionary trust. Done properly, the inherited assets are protected from lawsuits and long-term care. And protected immediately!

Your aged relative, R.I.P. was aware (we hope) that even 50-year golden anniversary marriages occasionally hit the skids. State law says inheritances don't count in divorce. As a practical matter, everyone knows inheritances do "count." When assets are dumped from an estate, the first inclination is to put the money in a joint account. You know it's true! Then, like a dervish demon from the fiery furnace, the inheritance dollars flee, fly, flit away to get divvied up... But put those assets in a well-constructed trust and you have driven a stake through the heart of the nefarious vampire divorce lawyer seeking plunder!

Perhaps aged relative was also familiar with the "very first stages of dementia beginning to show.' Wise old bird! Relative knew that you would soon be face-toface with the original Punisher: Medicaid. Done properly however, your inheritance trust assets are secure from Medicaid's ghastly. ghoulish, grim, gruesome, grisly,

grasping grip. [See what you can do with a thesaurus?] Bottom Line: you are not going broke when hubby needs help because your inheritance trust assets are protected.

The Bad: "When [you] moved to Mi... [you] wanted to change to the new assets..." Probably you just changed financial advisors or rearranged your investment portfolio.

Dealing with assets already in the inheritance trust does not affect the validity of the trust. If by "new assets" you simply mean replacement investments for stuff that is already in the trust, it is hard to see how your husband could be involved. At all.

On the other hand... What if you and your husband got the awful, terrible, no-good, very bad advice to add your own assets to the trust? That would be ill-advised. It would expose the trust to potential claims. By your husband. By your creditors. By Medicaid. Risky! Unnecessary! Foolish! Typical. Sad. Do not do that

Leave inheritance trust assets alone in the inheritance trust. Manage them, change 'em out, develop new portfolio strategies. That is all good. But. Do not commingle inheritance trust assets with your household, marital assets. Do not ruin a good thing.

By the way: With LifePlanningTM, you will always protect your beneficiaries with an inheritance trust. Because why wouldn't you?

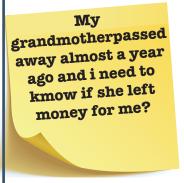
The Ugly: This guy is ugly. Thank vou. Universal Studios.



#### SHOW ME THE MONEY! WHADDAYA MEAN NONE FOR ME?!



Credit: Netflix



Want to see if my grandmother left me money from her will

Simple Answer: Go to the probate court in the county where grandmother died. Ask if there has been a will filed for her. Ask if there has been a probate estate opened for

her. If yes or yes, get a copy of the Will. Read it. Now you know.

Not-So-Simple Answer: If there was a will or trust and the will or trust is being administered and if you were a named beneficiary, then you should already have received notice. But you have not. That suggests a few possibilities:

- 1. Grandmother was dead broke when she died.
- 2. Grandmother had all beneficiary designations on her accounts. 3. Grandmother had leftovers and
- a will, but no one has probated the will and the stuff is just sitting there. 4. Grandmother had a trust. And
- you are not a beneficiary.
- 5. Grandmother had a will. Probate is humming along. And you are not a beneficiary.

There are more possibilities, but these are the most likely. Why not ask your mom or dad? Aunt or uncle? If you cannot get straight answers, you may wish to hire an attorney to help you out. Beware, these things get expensive quickly. And ruin family relationships. Both are bad.

### HOME MORTGAGE INTEREST RATES BREAK THE 7% BARRIER

A few choice quotes from Freddie Mac: "Mortgage interest rates have increased at the fastest rate since the early 1980s." "However, in 1980 and 1981, rates averaged 16% and 18%"

Primary Mortgage Market Survey



Mortgage rates "have more than doubled in the past year. Mortgage rates have never doubled in a year before."

"Kong Save Down Payment! Now INTEREST RATE TRIPLE! CANNOT AFFORD BUNGALOW! HOW BREAK News To Wife?!"



Credit RKO Pictures

YEAH, BIG FELLA... THAT'S A

### TRICK OR TREAT!

## DID YOU WANT YOUR ESTATE PLAN TO BE A NASTY TRICK? IS IT WRONG TO LEAVE YOUR FAMILY A TREAT?

### WHY SHOULD THE GOVERNMENT GET ALL YOUR HALLOWEEN CANDY?

#### WHY ESTATE PLANNING FAILS AND HOW TO BE A WINNER

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 LifePlanningTM. 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<sup>TM</sup> Workshop has been the first step on the path to security and peace for thousands of families. Why not your family?

NO POVERTY. NO CHARITY. NO WASTE.

It is not chance. It is choice. Your choice.

Get Information Now.

800-317-2812

THE LAW OFFICES OF DAVID L.

ESTATE PLANNING <u>& ELDER LAW</u> **Your** Family's Personal Attorney.

**Grand Rapids** 4965 East Beltline Ave NE Grand Rapids, MI (616) 361-8400



(269) 350-2323



**Norton Shores** 131 S. Seaway Drive Norton Shores, MI (616) 361-8400

ATTORNEY David L. Carrier

40 Years Practicing Law

BA, Notre Dame; JD, Boston University Law Master of Laws, Tax, Georgetown University Law Captain, US Army, JAGC (Veteran)









12330 James Suite B10 Holland, MI (616) 796-9600