



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 Why is an outdated will worse than no plan at all?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)?
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DON'T WORRY, BECAUSE...

STUFF THAT NEVER HAPPENS, NEVER HAPPENS TO FOLKS LIKE YOU

UNTIL IT DOES HAPPEN, THEN YOU WRITE IN ABOUT IT

(WARNING: TYPOS INTACT, NOT LEGAL ADVICE)

GREEDY GRASPING STEPMOTHER? CONNING STEPSISTERS?

STOP ME IF YOU'VE HEARD THIS ONE BEFORE...

Can my step-mother, who has rights to live in the house till she dies, pay lawyers and take money out of my Dads Estate? NO WILL

When sibling took my dad & stepmother to draw up a will, years back. Stepmother said she didn't want it-she wanted Everything my Dad had. She told him that day she could divorce him & take half of everything. She moved out for a wk when I got POA & he put bene on his Bank acct's & investments, leaving her enough to live on & added her to the deed, to live there till she dies -then reverts back to his 3 prev children. I moved in with them, to try to help with his care-- she said she was living in Hell & hoped to die in her sleep.. She called him ugly names and smacked him (on his legs) when he was talking late at night and bothering her.. I slept on the sofa beside him - he had his days & nights mixed up.. & trouble sleeping at night.. she would rather him be a nursing home. Now she's upset that he didn't leave her ALL and has hired an elder lawyer .. her daughter asked if my Dad's estate would be paying the bills he paid in life and I'm afraid they are figuring a way to take money away from the house. we aren't allowed to see or talk to her & they want us to come get our dads belongings that they are putting in his garage. he died Nov 2nd at 85- they were married 26 years. She is 83

CHAPTER ONE: 26 YEARS OF WEDDED BLISS

CHAPTER TWO: THE AFTERMATH

Why These Things Happen: When people live longer, they tend to find fault with the other people they've been living with. Sometimes those other people die. Frequently they move on. To make other mistakes. With other people. Bringing their baggage along with them. Baggage that frequently includes other human beings, known as "children." Children who never, at any time, saw in that other person what you saw in the other person. Hope springs eternal. Keeps life interesting.

Just the Facts, Just the Facts: Here's a story of a lovely lady. Who was bringing up a very lovely girl. It's the story, of a man named [Fill in the Blank], who was busy with three kids of his own. 'til the one day when that lady met this fella and they knew that it was much more than a hunch...

But now she refuses to engage in estate planning. He wants his leftovers to go to his kids. After he dies. After she dies. After she has used the marital assets. Then passed over where those assets are no longer needed. But. She wants his leftovers. Now. And when he dies. Nothing for his kids. What's mine is mine and what's yours is mine too.

What Might Have Been: This is not an unusual situation. How do we make sure that the surviving spouse continues to enjoy the life that they have built over the last 20 years? How do we also honor the love each parent has for their kids? How do we honor the commitment that these married folks have made to

one another? How do we avoid nursing home poverty that wrecks everything for everyone?

First Things First: An easy way to prevent fights over stuff is to make sure there is no stuff. Not surprisingly, there is a popular way to make sure there is no stuff over which to fight. Simply liquidate lifesavings and pay for a long-term care facility, nursing home, assisted living, or at-home care provider. Care services are extremely expensive now. Care services are getting more expensive by the day. Going broke does seem to be a popular strategy. Freedom is just another word for nothing left to lose.

Planning to avoid nursing home poverty is well-established. The legal foundations are sound. The beneficial consequences are undeniable. And the psychological effects are much greater than most folks realize. The stepmother in this letter is greedy, grasping, uncooperative, and mean. Maybe that is just who she is. Always has been, always will be. But I wonder. How well do you yourself function when fear and anxiety set in? Imagine yourself threatened. Weak. Unable to control your destiny. Physical and mental decline undeniable. Will you be your best self? Maybe. Maybe not. Would it make any difference if your future were secure? If you knew that there was nothing to worry about. Does security bring generosity? Gratitude? Sometimes, I guess.

Chances Missed: By rejecting Dad's efforts to plan, Stepmom put him in a bind. Cooperative, joint, mutual planning that is agreed upon by the couple works best. Dad could write off his kids. Or he could plan for both wife and kids, without Stepmom's contributions.

Stepmom threatened Dad with divorce. He did not want that. Stepmom insisted Dad disinherit his kids. He did not want that either. So Dad put Sonny-boy's name on some accounts. It seems that Dad also put Stepmom's name on other accounts. Dad "put bene on his Bank acct's & investments, leaving her enough to live on".

Plus Stepmom gets (at least) so much of his Social Security Retirement that is more than her own. Maybe pension, too.

I would also guess, from our correspondent, that Dad gave Stepmom a "life estate" in the homestead. After the estate planning fiasco, Dad "added her to the deed, to live there till she dies -then reverts back to his 3 prev children". That's a pretty good description of how a life estate works. Dad, who owns the real estate, gives Stepmom the right to live there. For as long as she lives. And after death, the real estate goes to whomever Dad set forth on the deed.

Practical Pointer: What if Stepmom challenges all this and tries to set it aside? Michigan's Estate and Protected Individual Code has the answers. Stepmom and Dad have no kids together. Stepmom and Dad each have descendants of their own. In this case, surviving Stepmom gets the first \$100,000 and splits the remainder with Dad's kids. Adjusted for inflation since the year 2000, Stepmom would actually get the first \$161,000 and divide the remainder equally. One-half for the surviving spouse. One-half divided among the decedent's children.

Interesting Note: What if Stepmom and Dad had at least one child together? Then Stepmom would get the first \$242,000. And divide the rest as usual.

Bottom Line: Dad and Stepmom missed an

opportunity to provide for one another and perhaps build a happier life together. Stepmom would probably lose more at this time by contesting rather than accepting Dad's solution. Can Stepmom leave the homestead in debt by charging expenses against it? Nope. Can Stepmom draw money from the estate that Dad did not leave to her? No. Does it make sense for Stepmom to try and set it all aside? Probably not, but it all comes down to the numbers.

DOES ANY GOOD DEED GO UNPUNISHED? OR UNRECORDED?

What do i do as a successor trustee if the real property deeds were prepared, signed and notarized but never recorded?

it appears that when the trust ws prepared so were the deeds, but the original deeds are still in the binder with the will and trust, etc. and there is no record of them ever being recorded. Can I simply record them now? it has been about 2 years since everything was signed and notarized.

Short Answer: No. Problem. At. All.

Longer Answer: In each county, the Register of Deeds provides a permanent record of transfers, encumbrances, liens, easements, and all the other items that affect the ownership or use of real estate. Provided that the document meets certain minimum requirements, the Register MUST record the document. To prove that the document existed. But there is no legal effect to recording. A recorded deed or other document does not become more "legal" because it is recorded.

Deeds in Michigan are effective when delivered with donative intent. Was the deed written? Was the deed delivered? Did the person writing the deed intend to transfer the property? Recording with the Register of Deeds is, of course, pretty good evidence that you meant to transfer the property, of donative intent. On the other hand, Michigan courts have held that recording a deed with the Register of Deeds is not, all by itself, the answer. Deeds that were recorded without "donative intent" have been thrown out.

Bottom Line: When buying a home, recording the deed is of utmost, paramount, super-duper importance. You need to pay the property taxes. You need to live in the thing. You need to get the mortgage. Git R Done!

Estate planning requirements are different. You already own the darn place. No one is going to evict you. You are doing the planning for purposes other than you need a place to lay your weary head. That's why it is not unusual for deeds in the estate planning context to be recorded later. Sometimes much later. Sometimes as a privacy strategy. Sometimes just because.

Warning! In Michigan, a recorded deed wins! Unless the person recording the deed knows about a prior unrecorded deed.

Here's How It Works: Let's say the person who set up this trust (the "Grantor") made you the Trustee. Then the Grantor names someone else as Agent under a Financial Power of Attorney. [Yes. This is a really stupid way to do things, but it happens.]

Let's say that the Trustee sells the home to Person A. Trustee gives Person A the deed putting the house into the Trust. Trustee also gives Person A a deed transferring the house from the Trust to Person A.

Person A sets off for the Register of Deeds, but stops for lunch.

In the meantime, the Agent under the Financial Power of Attorney, sells the house to Person B. Agent gives Person B a deed transferring the house to Person B. Person B had a big breakfast so heads straight to the Register of Deeds and records his deed.

Person B wins the race to the Register of Deeds and records first. Person B has no idea about the trust or Person A. Who owns the house? Person B.

But what if Person B knew about the deed to the Trust? What if Person B was on notice? If Person B knows that Trustee already deeded the house to Person A, Person B loses.

And that's why Michigan's recording statute is called "Race/Notice". Whoever wins the RACE to the Register, without NOTICE of another deed, wins. Ain't the law fascinatin'?

It's NICE To BE NICE. Or Is It?

Is it a liability for me to be on my elderly father's checking account?

My father is 92 and his only income is the \$800 per month that he gets from Social Security and SSI. He's also on Medicaid. His mind is slipping away quickly and he is having trouble writing checks to pay bills. I'm already on his account as a beneficiary, but he is concerned that he will become incapacitated and he wants to add me to his account as an authorized signer. I am concerned that other, less involved family members, could accuse me of mishandling this money. Is that something that could turn into a liability for me? Are there any other issues I should be looking out for?

Short Answer #1: No, it is not a liability for you to be authorized signer on Dad's checking account. So long as you do not steal the money. Then you've got troubles.

Short Answer #2: Yes, you will become a target for the slings and arrows of outrageous fortune that your nearest and dearest will launch in your direction. Nothing you do will be right or fair or just. You will have to sit at the kids' table at Thanksgiving. Lump of coal in your Christmas stocking.

Longer Answer: You need Dad to give you a Power of Attorney. Then you can do all the things he wants you to do. Be aware: the Social Security Administration does not care about Powers of Attorney. Or probate court guardianship/conservatorship. To satisfy the SSA, you have to become Dad's "Representative Payee" down at the Social Security office. The Veterans Administration has a similar program.

Ancillary Advice: Get a Health Care Power of Attorney while you are thinking about it.

Free Advice and Worth What You Paid for It: The ultimate legal test here is "Were you stealing?" If not, you are fine. If yes, big BIG penalties. So don't steal. Do the old man a solid. Get a good Financial Power of Attorney. That means don't download it from the Interwebs. Spend a few minutes with a real lawyer about the in's and out's.

And every time you sign your name to anything for Dad, add a comma, and POA: "John Jones, POA"! You'll be fine. Probably. Buena suerte.

WHY DON'T YOU DESERVE A LITTLE PAYBACK FOR ALL THE TAXES YOU PAID IN?

WHY DO YOU WANT TO SPEND YOUR LAST NICKEL ON LONG-TERM CARE?

WHY SHOULDN'T THE GOVERNMENT SPEND YOUR MONEY FOR YOU?

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? Is it 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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