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TIS THE SEASON TO BE JOLLY...

Miracle on 34th Street? JOLLY THAT NONE OF THIS STUFF HAPPENED IN YOUR FAMILY, YET

(WARNING: TYPOS INTACT, NOT LEGAL ADVICE)

PHOTOS CREDIT: 20TH CENTURY FOX FISH GOTTA SWIM, BIRD GOTTA FLY, WHINER GOTTA WHINE?

My mother is 81, has previously made her will, now my brother has, mentally abused her and make make changed to the will?

How can we fix this matter, he has scared her by telling her he will hurt anyone that she has placed on the will for her home, that she's now saying she will give it to him because she didn't want anything to happen to him when she dies. The will was previously done. And isn't changed What can we do? She has told her vet ? he suffered lots and blames her for not taking care of him.... He would always do it, but she never fell for it. She alway said the home is for all her children. Now that she is 81 years old he has broke her and she now feels she needs to help him.

NEWSFLASH FROM GEHENNA: 9TH CIRCLE OF HELL Reserved For Those Who Betray Their Family

Fast Facts: Brother lives with mother. Beggar Brother has appealed to, begged, pleaded, implored, beseeched, entreated, demanded, mooched, insisted, besieged, and otherwise importuned mom to give him her house when she dies. Mom has been steadfastly rejecting his guilt-ridden claims. Mom has always wanted the house to be for all her progeny. But at her advanced age of 81, the kids are concerned. Just as the Grand $\tilde{C}anyon$ was carved out of a never-ending stream of water, perhaps Mom's common sense is being eroded by a never-ending stream of guilt and abuse.

Quick Questions: Has Beggar Brother broken mom's will to resist? Will a new will appear? Will Mom's wishes wither away? Will Beggar Brother get the house? And what can we do now?

Lightning Law: What we have here is a possible case of undue influence. Mom's mental capacity does not seem to be at issue. The question is whether Beggar Brother has overwhelmed Mom to the extent that the law will intervene. Sadly, on the Highway of Life, the Guilt Trip is among the most popular routes. There's no law against guilt tripping. Or begging. Or tear-filled entreaties. Psychological abuse is a different story. But it is a difficult story when the main character has left the stage.



other family members to prove that Beggar Brother unduly influenced Mom. And gosh is that tough!

Beggar Brother Bumbles: On the other hand, if Beggar Brother is Mom's fiduciary. Mom's trustee, personal representative, agent, patient advocate, or otherwise occupies a special position of trust and confidence, the game changes. Now it is up to Beggar Brother to prove that he did **NOT** unduly influence Mom to change her

Will. Good luck with that! Avid

Action: Mom

the same time, give

a call to Adult Protective Services (they're in the phone book if you still have one of those. Otherwise, GOOGLE[™] it.) APS is there to prevent financial and psychological abuse and neglect of our seasoned citizens. If Beggar Brother persists, you have already

continues to remember Mom,

1265-1321. The Divine Comedy of

PUT ALL YOUR EGGS IN ONE BASKET, THEN KEEP AN EYE ON THAT BASKET Is it a legal requirement that the POA is the same person as the trustee?

My wife is the trustee on her mother's trust and also her medical POA. Her mother is in declining

are always at least two (2) critical questions that you cannot avoid and must deal with:

Do I have enough money and stuff?

2. Do I feel OK today?

When you are basically healthy and relatively sane, it is up to you to figure out the answers to these questions. Then, depending on your answers,

you make decisions. You take action. You get stuff done. Because you're good enough, you're smart enough, and gosh darn it, people like you! Go get 'em tiger!

What if you are incapable of making these basic decisions? What if you cannot take action? Then someone else must decide and do for you. Who ya gonna call? That's what estate and elder law planning are all about.

Probate Problem: What if you shirk this basic responsibility

to yourself and your family? if you What don't choose to DOUBLEMINT give someone GUM authority the to make these

basic decisions?

Too awful to contemplate? So irresponsible as to be unthinkable? Deserving of a lump of coal in one's stocking? Yes, of course, but as unlikely as it may seem, some folks seem intent on proving that Cleopatra was not the *only* Queen of de Nile (de Nile = denial, get it? That's funny, right there!). And so they wind up in Probate Court. Overworked, overwhelmed, expensive, sluggish Probate Court. Thanks a lot, mom & dad!

Sensible Solution: Probate Problems don't happen to



must confront the two (2) critical questions: Do I have enough money and stuff? Do I feel OK today? These are the Money Ouestion and the Health Question.

When dealing with the Money Question, you have a wide range of legal documents which you prudently use to cover all possibilities. These documents include, wills, trusts, financial powers of attorney. Each requires a living human person to make them work. Will = Personal Representative. Trust = Trustee. Financial Power of Attorney = Agent. These Money People manage your money until there is no money left to manage or you depart the stage. Whichever comes first.

When dealing with the Health Question, again there

But I didn't, here it comes!

It is a very good idea to have a single Money Person with authority under all the Money Documents to answer all the Money Questions.



It is a very good idea to have a single Health Person with authority under all the Health Documents to answer all the Health

Questions It is not illegal to have more than one Money Person acting at the same time. It is not illegal to have more than one Health Person acting at the same time. Not illegal. You can drive a car with your feet if you want to. Or tug on Superman's cape. Or spit into the wind. Or pull the mask off the old Lone Ranger.



something is NOT ILLEGAL, does that make it GOOD? You have 2 guesses and the first one doesn't count.

It is not illegal to have co-Trustees or co-Patient Advocates. But gosh is it dumb. Bad. Not a good idea. Stoopid.

Then why do so many folks

have co-Everything? Good Question! Could it be because their attorneys do not recognize the problem? Or don't want to get into with client? Or don't care? Who knows? But 32 years and thousands of family situations later, it seems obvious that the road to hell is paved with co-trustees and co-patient advocates.

With co-fiduciaries, you double the work and multiply the trouble. Because you are setting your trusted advisors up for failure. How do you fix things if they disagree? And if they never disagree, why bother both? Where's the added value?

Experience teaches that it is easy to get someone to act as Trustee or Patient Advocate. The first time. It is almost impossible to get any ordinary person serve as Trustee or Patient Advocate a second time. (Fool me once, shame on you. Fool me twice, shame on me.)

Blended Family Exception: Big exception for blended families. In the "Yours, Mine & Ours" situation, co-Money People can be a good thing. The work is still doubled, because now you have 2 people doing the work of 1. But stepsiblings tend (not always, but usually) to be more polite to one another than blood relations. They don't have the long-buried sibling rivalries and antagonisms of blood relations. So it's not as bad. "Not as bad" is not an endorsement.

The advantage of Blended Family co-Money People is that now both sides have a "seat at the table." The Big People's table. As a practical matter, there is very little difference. The point is that everyone feels heard. Information is probably not disseminated or distributed more efficiently. But that feeling that your



started to make the record. And if Beggar Brother badger. bebother, and bewilder that the 9th Circle of Hell is reserved for those treacherous souls who betray their loved ones, friends, and country, Not pleasant. True! You can look it up. Dante

Alighieri, Dante Alighieri : Inferno,

Purgatory, Paradise. New York : The Union Library Association, 1935. Makes a great Christmas gift! You're welcome

Get

real

Practical Pointer: It all depends on who must go forward to prove their case. Whoever has to prove, loses. You do not want to be the one with the "burden of proof" in an undue influence case. Here's why:

Family Fails: Beggar Brother has no special position of trust or confidence with Mom. He just shows up every now and again to whine and blame her for his own misfortunes. Mom eventually goes along with Beggar Brother's piggish pleading. Now it is up to the



you live your life, there Photos Credit: Mars, Inc.

are many documents. Including: Health Care power of attorney, Advance Directive, Health Insurance Portability and Privacy Act Release. Again, you need that living human being to be your champion. Your Health Person. Your Patient Advocate.

So far, so good, eh?

Duplication of Effort, Multiplication of Trouble: By now you're thinking I forgot the original question.

own sibling has an eye on matters more than makes up for the hassle.

You Idiot! You Misread the Question: On the other hand, if the question is: Can one sister be the Money Person and the other sister be the Health Person? Uh. Well. Yes! Of course. No conflict there. Wasn't that easy?

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?

Credit: Ben Falconer

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 longterm 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?

NO POVERTY. NO CHARITY. NO WASTE. It is not chance. It is choice. Your choice.

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