FUNDAMENTALS OF ESTATE PLANNING IN CALIFORNIA

GUIDE TO PASSING ON YOUR ASSETS & VALUES LEGALLY & EFFICIENTLY

By Steven F. Bliss, Esq.

DISCLAIMER

This publication is intended to be informational only. No legal advice is being given, and no attorney-client relationship is intended to be created by reading this material. If you are facing legal issues, whether criminal or civil, seek professional legal counsel to get your questions answered.

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CLIENT TESTIMONIALS

*"Steve Bliss assisted my wife and I to create our Living Trust set of documents 10 years ago. He was professional and conscientious to our personal situation. This work included our Trust, Power of Attorney, Health Directive and Will. Now we required an update and asked Steve to help us fine-up our wishes. He helped write a more nuanced Living Trust for our beneficiaries and create a legacy to San Diego. We would definitely recommend Steve Bliss if you need this kind of estate planning work."***-Peter M.**

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*"The thought of preparing a living trust seemed really overwhelming. Steven Bliss was responsive, informative and very straight forward. He made the process extremely easy. I have since recommended two others."***- Kelly L.**

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*"My sister and I have been shopping around for an affordable attorney to open up a living trust. I've contacted over 6 different attorneys and none of their price matched the great deal we got from Steven. He was very fast at responding to all my emails and answering all the questions I had. His hours are very flexible and he will work around your schedule. He is also very knowledgeable and know his stuff. I would highly recommend Steven!! His price is unbeatable!!!"***- Tara H.**

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ATTORNEY INTRODUCTION

Attorney Steven F. Bliss has been in private practice as an Attorney since 1991. His law practice is concentrated in the areas of Wills, Living Trusts and Estate Planning; assisting clients in Probate and Trust Administration matters; assisting clients with Chapter 7 and 13 Bankruptcy cases; and assisting my clients with the formation and management of Partnerships, LLC's and Corporations.

Attorney Bliss is a one stop shop for all your individual and family security needs. He is a competent legal professional who takes the time to make complex legal processes easy to understand with clear and thorough explanations. He offers convenient office, business or home consultations with evening appointments available when necessary.

He graduated with honors from Syracuse University in 1984 with a Bachelor of Science in Accounting. He passed the CPA examination in Massachusetts in 1985 but is not licensed as a CPA in California. He graduated from

California Western School of Law in San Diego in 1989.His class rank was 17th out of 182 and he won the following awards while there:

- AMERICAN JURISPRUDENCE AWARD 1988: Estate Planning
- AMERICAN JURISPRUDENCE AWARD 1987: Secured Transactions
- AMERICAN JURISPRUDENCE AWARD 1987: Constitutional Law
- MILLER TAX AWARD 1988: Federal Income Tax
- MILLER TAX AWARD 1987: Federal Estate and Gift Tax
- Dean's List: 1987 and 1988

THE PROCESS OF ESTATE PLANNING

Estate planning is the process of organizing and setting your affairs in order in the case of death, incapacity or disability. What makes up someone's estate is everything they own and everything that they want to accomplish in planning for their ultimate demise, disability or incapacity. Everybody has their own estate: some are large, some are small, some are specific, and some are general. For most people, their estate comprises their personal property, their cash, their investments, their real estate and their personal property.

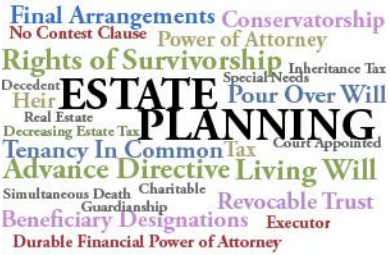
THE NEED AND BENEFITS OF ESTATE PLANNING

Since everybody has an estate, everybody should plan one. In terms of who does it benefit the most, the general idea is everybody thinks that the rich people really benefit the most but the reality is that anybody who has a home, anybody who has some financial assets like bank accounts or investments, anybody that has a family with children, they all really benefit from estate planning because you want to protect yourself, you want to protect your assets

and you want to protect your family. That is really why people do estate planning; to protect themselves, their family and their assets.

THE COMMON MISCONCEPTIONS THAT PEOPLE HAVE ABOUT ESTATE PLANNING

The biggest one is that estate planning is just for rich people because people think that they are the only ones that really benefit from it. The reality is everybody benefits from estate planning because if you do not properly plan your estate, then the state in which you reside is going to get involved in the management of your affairs.



Most people don't realize that in California, if you own a home, then you're going to need to do your estate planning. You are going to need to set up a revocable living trust because if you don't have a trust, when you die, all your assets are going to go into the probate system and your family is going to be stuck in the court system for a year at a minimum.

THE FACTORS THAT CONTRIBUTE TO A WELL-DESIGNED ESTATE PLAN

One factor that contributes to a well-designed estate plan is picking the right people to handle the correct job responsibilities. For instance, you want people with a good financial background and who are trustworthy to be managing your financial estate. You want people that are competent to handle emotional and medical decisions to be the ones deciding what happens to you if you become incapacitated or disabled, who is going to make life planning decisions for you such as where you are going to live and who is going to take physically take care of you.

The other factors that are involved in a good estate plan would be just planning out who you want to receive your assets, when do you want them to receive them and how are they going to be managed while young people are growing up so that the assets are not misappropriated or wasted or put in jeopardy. Most obviously a well-designed estate plan will maximize the benefit to your family and keep your family and your loved ones out of the probate system if everything is set up properly.

WHAT IS A WILL AND HOW DOES IT WORK?

A Last Will and Testament is basically a set of instructions that dictate what happens if you die. It says who you want to be the executor your will - that's the person who will administer your estate. The will then says who gets your assets in the event that you die. It can say how and under what terms and conditions they receive the assets. Perhaps most importantly, a will nominates guardians for your minor children.

What a will does is provide some organization of your affairs to be managed through the court system. What a will does not do is it does not avoid the probate system so that all of your affairs are going to be put in front of a judge and subject to court's scrutiny. Unfortunately, that means that all your affairs become public record which most people don't really like all very much.

A will does not keep you out of the probate system. There is a big misconception that if you have a will, your affairs will not have to go through probate but that is just not true. The reality is that a will is really a piece of paper signed by a deceased person. The only value that the will

has is when a judge signs a court order saying that the will is valid and this is how the estate assets are to be managed and distributed. So until a judge signs off on a court order such as that, the will itself has no value.

In terms of how does someone make a will, well there are people that have written their own wills in handwritten form and then have it witnessed by a couple of people. Most people have an attorney draft a will for them to make sure that it's done property, that it says what it needs to say, and that it's executed properly so that it cannot be challenged in court.

THE PROCESS WHEN SOMEONE DIES WITHOUT AWILL

When someone dies without a will, they die what is called intestate, which means they did not exercise testamentary capacity. Testamentary capacity means I decide where my stuff goes when I die. You do that in one of two ways: you write a will or you create a trust. So if you have not done either one, then you have given no direction to the world on what happens to yourself and your assets. In that case the state has what is called the law of intestate succession and that law decides for you.

The intestate succession law says who receives your assets and it says who is in line to be the administrator of your state which is another word for an executor. If somebody dies without a will, they generally leave a rather large mess behind for the loved ones and relatives to take care of. In that situation things become very expensive, very disorganized and very time-consuming and are generally stuck in court system for a lot longer than if you at least just had a simple will.

THE PROBATE PROCESS

The easiest way to look at probate is that it is a code of laws and a courtroom. The probate system is there to protect what are called individuals that are not competent. You are not competent if you are deceased, disabled or incapacitated.

If you or your loved one is any one of those three, then jurisdiction over that person rests with the probate court. So the purpose of the probate court is really to protect legally incompetent parties to make sure that their

personal well-being is taken care of, that their financial assets are well taken care of, and that upon their death that their assets are distributed appropriately in terms of either via the person's will or via the law of intestate succession.

IS PROBATE APPLICABLE ON SELECTED ESTATES?

No, probate applies to everyone. In California, the cutoff for what is called full administration of an estate is a gross estate value of $150,000. In San Diego, if you own a house, the odds are that the house is worth more than $150,000, so you would have a regular full-blown probate administration. People think that if they do not have that much stuff that they do not have to worry about probate. They are in for a very large surprise, because probate is based on the gross value of the assets and not the net worth. The calculation of gross estate value does not deduct debts. So if your house is worth $500,000 and your mortgage is $400,000, then your net worth is only $100,000 but for probate purposes, your estate is worth $500,000. A lot of people have this misconception that, "Well, I only have a house and stuff like that so I am not going to have to go through probate,"

and the answer is yes, you are going to go through probate because your estate is worth more than $150,000. So probate pretty much applies to everybody.

If your estate is less than $150,000, there are proceedings that you can do instead of a full blown probate. If you have a piece of real estate worth less than $150,000, there is a shorter form proceeding which takes a couple of months to do. It is called a petition to succession to real property for estates worth less than $150,000. That proceeding takes a few months to get through the system rather than about a year for regular probate. If there is not any real estate and you just have some small bank accounts and personal property, then that can be handled by what is called the small estate affidavit, which is handled under Probate Code Section 13100.

A small estate affidavit is a relatively brief but detailed set of instructions that says that the person is deceased, these are the assets they have, this is who was entitled to receive the assets, please distribute the assets to these people. It is signed and notarized. Generally, the banks and the investment companies go along with that and distribute

the smaller estates via an affidavit. Those are pretty much the three main ways that the probate court handles estates depending upon their size.

The Difference Between a Trust and Probate

A trust is a legal entity that you create that is going to own your property. We are all natural persons but there are other persons besides us as natural persons. A corporation is a person, a limited liability company is a person and a trust is a person. So what you are going to do when you create a trust is you are going to set up this person which is your family trust, and this person is going to own all your assets. Now, you are in complete control of the living trust but you are not it and it is not you, there is you and then there is your trust.

The idea on the trust is that you are the person who is in-charge of the trust now, you are the Trustee. But what the trust documents states is that if you cannot manage it, then you name somebody else to be the manager of the trust in place of you and that person is called the successor trustee. Your successor trustee will administer

your trust according to your instructions. This is how you avoid the probate system because you have set somebody up who can manage the trust and sign on behalf of the trust in case you cannot do it because you are deceased or dead. Because your Successor Trustee has the ability to sign on behalf of your trust, you do not need a judge's signature on a court order to transfer assets for you. You have already taken care of it yourself.

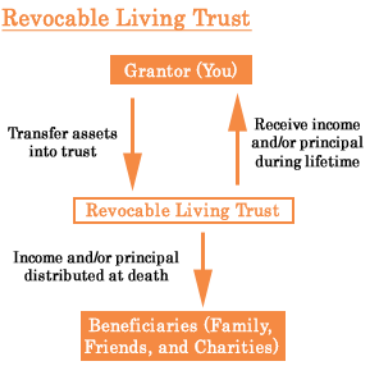
So as to why should you have a living trust? The answer is very simple; so you create a mechanism to transfer your assets down to your heirs without having the court system and the judge involved.

THE DIFFERENT KINDS OF TRUSTS

The main vehicle that people use in California is a revocable living trust. You also hear the term family trusts or inter vivos trust, it is all the same thing. It is basically a revocable trust so that while you are alive, you can change it anytime you want, that is what revocable means. If you pick your friend Joe to be the Successor Trustee of the trust in case something happens to you and you do not like Joe

anymore, you can do an amendment and change it so your friend Suzie can be the Successor Trustee of the trust in case something happens to you.

When you die, the trust then becomes an irrevocable trust which means nobody can change it and it says exactly who receives your assets and when they receive them. That is how that trust avoids probate. The revocable living trust is the trust that most people in California use.



A testamentary trust is set up in a will. Testamentary trusts work well when you have smaller estates and you want to hold the money in trust for the children until they reach a sufficient age of maturity, then they receive the money. The problem with testamentary trusts is that they are set up through the probate court, so your estate is stuck in the court system which is what you really are trying to avoid in California.

Irrevocable trusts are exactly what they sound like, you can never change them. For the most part, irrevocable trusts are used for tax purposes, such as avoiding estate tax purposes for very wealthy individuals. They also are

used when you have a charitable intent such that you want to leave specific money for the benefit of a charity but you want to be able to use the assets while you are alive to support yourself.

AMENDMENT OF AN IRREVOCABLE TRUST

Generally speaking, absent a court order for a really good reason, irrevocable trusts cannot be changed, that is exactly what irrevocable means, you're stuck with it! That is why I really caution people to avoid creating irrevocable trusts unless there is a really good reason such as you need to do estate tax planning if your estate is really large, or if you have a charitable intent.

The other reason that people create irrevocable trusts is when there is a situation where public benefits are involved, such as under the Medicaid and Medi-Cal system to where you need to protect assets such that the state does not take them when somebody dies because they are on government assistance for a nursing home or home care and things of that nature.

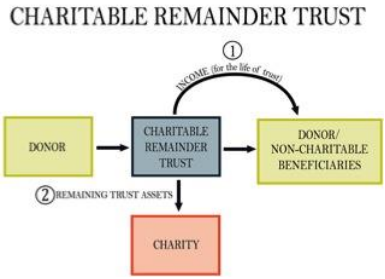
WHO SHOULD THE TRUSTEE OF THE IRREVOCABLE TRUST BE?

It depends on what kind of trust you are dealing with. When you are dealing with an irrevocable life insurance trust, it just has to be somebody other than the creator and the owner of the trust. When you are dealing with something like a charitable remainder trust, the grantor of the trust can be the trustee that is not a problem. So again it all depends on what kind of trust you are doing in terms of who is going to be the trustee.

THE WORKING OF A CHARITABLE REMAINDER TRUST

The charitable remainder trust is a very popular vehicle. The idea on the charitable remainder trust is that you are sitting on an asset such as a piece of real estate that you have owned for a long time and you purchased it for very little money and it is now worth a lot of money. So much so that if you turned around and sold it right now, you would pay a lot of money to the government in capital gains taxes.

The idea of the charitable remainder trust is that you give it to the charitable remainder trust and in turn the charitable trust then turns around and sells the piece of real estate. Since the trust is a charity, it doesn't have to pay any capital gains taxes on the sale. Therefore you have the full value of the asset sitting in this charitable remainder trust that you just converted from an investment of some kind, whether it's real estate or stocks or whatever into a big pile of cash.



What you then do is that you invest the money and every year for the rest of your life you take out either a percentage payment out of it or the income that the trust generates. Then when you die, whatever is left over then goes to the charity that you set up when you created the trust. The idea is to be able to live off of a bigger pile of money while you are alive and give a bigger gift to a charity when you die.

People might say, "Well, wait a minute. My kids don't get that money?" Yes but there are ways to handle that. For instance, the trust can then buy a life insurance policy on you that is then payable to your children. So the insurance

policy pays the kids the death benefit free of both income and estate taxes so everybody wins. So it is basically a lot of creative work in order to be able to not give the government hardly any money in taxes and maximize income and death gifts for everyone involved.

Do I Still Need A Will If I Have A Revocable Living Trust?

The answer is yes, it is called a Pour over Will. There are a couple of reasons why you still have a will. The first reason you have a will is that is the document that nominates the guardians for your minor children. I have seen attorneys nominate guardians in a revocable trust and that is really a bad idea. The reason is that the document that nominates the guardians has to be filed in court which then becomes public record, so if you have all of the details of your estate plan list all of your assets in your trust and you then file it with the court, you just turned your private family information into public record.

In the case of a pour over will, all that you really have is a skeleton will that says three simple things. First, you name the executor of the will. Next, you nominate the guardians for your minor children. Third is the pour over provision which simple says that if you failed to properly put an asset into your trust, then when you die, transfer that asset to the trust. Now the problem with the pour over will is that the asset has to go through the probate system but at least everything will eventually get to the trust and be managed according to the instructions that you stated in the trust.

POWER OF ATTORNEY IN AN ESTATE PLAN

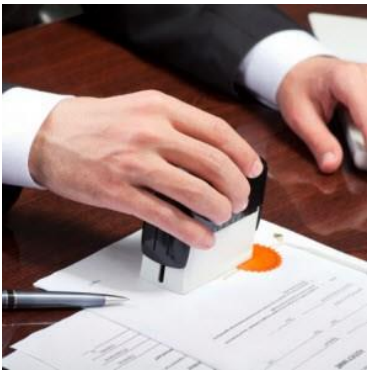
What a power of attorney basically means on the financial side is that I give someone the right to sign my name. The power of attorney can be very general, for instance allowing access to my bank accounts, my real estate, my 401(k), my life insurance, etc. Alternatively, the power of attorney can be very specific, that is called a limited power of attorney. For example, you can sign the checks on my bank account but you cannot do anything else.

The reason why you have a power of attorney is because if you become incapacitated, you want somebody to be able to manage your affairs. You can have the power of attorney effective the day you sign it or you can make it what is called a springing power of attorney. The springing power of attorney basically says that I name you today to be my agent but you can only sign for me if and when I become incapacitated and then it springs into action. That sounds like really a great idea, except how do you determine that you are incapacitated? That is where a springing power of attorney gets problematic.

I always tell my clients that powers of attorney are extremely dangerous documents because you are giving someone the right to sign your name. There is more elder abuse happening now because the power of attorney was not properly designed and structured to protect the creator and the grantor of the power of attorney. What I always tell my clients is that doing a power of attorney is not just an afterthought; it is something that you really need to be careful about because down the road, it can really cause you a lot of problems.

How Does One Go About Making Modifications in the Future?

With regards to a trust, as long as you keep it revocable, you can change it anytime that you want to by executing an amendment to the trust which should be notarized. Generally, the items that get changed in the trust most often are who is going to receive the assets and when they are going to receive them; or who is going to be successor trustee when you die.



For example, initially because your kids were so young you set it up for them to get the money when they attain age 35. But now many years later you realize your kids are quite responsible and can get the money now if you were to die tomorrow. So you can execute an amendment and change those provisions to state that.

The other thing people generally want to change in the trust is who the trustee is, that is the person that is going to manage the money and the assets after you are gone. A lot of times, parents will have their family members or

their best friend act as the trustee while the kids are young and then when the kids are old enough, the parents amend the trust and make the kids the trustee so that they do not have to deal with any outside parties in administering the estate. These are the kinds of things that people will normally modify in a revocable living trust.

In a will, generally it is something very similar, either changing who gets the money or who is the executor of the will. If you have a revocable trust, then the number one thing that the people usually change is who are the guardians because over a period of 10 to 15 years, when your kids are young, you think about having certain people like your parents to be the guardians but 10 or 15 years later, maybe your parents are a little bit older and you decide you want your brother or your sister or your best friend to be guardian. These are the things that you will change in the will.

In terms of assisting people with this, as an attorney, I assist my clients with making changes to their documents

In terms of can you change a portion of your documents, then answer is that you can change anything you want, anytime you want, anyway you want because your documents are always revocable.

You can change one item in your will and leave the rest alone. If you do that, that's called a codicil. A lot of times, people would just want to write a whole new will and just revoke the old will. You can do the same in a trust and that is called a trust amendment. What the amendment says basically is that this is my trust and it says all of the stuff I want and I just want to change this one particular provision that used to say this and it now says this. You sign and notarize the amendment and it is valid and it just modifies whatever provision in the trust that you wanted to change.

THE LAWYER'S ROLE IN THE PROCESS OF ESTATE PLANNING

The lawyer's role in estate planning is to ascertain the desires of the people that they are assisting, the goals of the people and to put together a confident estate plan that accomplishes all their goals and meets all of their objectives. The lawyer gets their planning set up the way they want it; gets it in compliance with the laws of their state of residence; does the best possible job to stay out of the court system; structure it to avoid conflicts in the future and limits as much as possible any taxes or costs that are going to be incurred for the creators of the estate plan.

HOW LONG DOES THIS PROCESS TYPICALLY TAKE?

My clients always ask how long estate planning takes and my joke is I usually say that it takes 20 years and 20 minutes. It takes 20 years to getting around to do it and showing up in the lawyer's office to get the estate plan done. Then it takes about 20 minutes at your kitchen table with your spouse or by yourself to just answer a series of questions that I give you in a form of a questionnaire.

In terms of how long does it take from start to finish, I have had told many of people that I have turned estate plans around in 24 or 48 hours for seriously ill individuals. For the most part, when clients come to me, we have three meetings. The first meeting is I get them up to speed on the probate system and the estate planning process and what are the things that they need to be deciding on. Then they usually come back in a couple of weeks and we do the planning meeting where we talk about who gets what assets, when do they get them, how do they receive them, how old do you want the heirs to be before they get their money outright, who the trustees are, what do they want as far as their powers of attorney and medical directives; and of course discuss burial and cremation issues. We talk about who they want to be the persons that control the money, that make medical decisions and financial decisions for them, and who they want to be the guardians for their children.

Once that planning meeting is over, I then draft the documents and send them to the client. If the client is happy, then they come in for the third meeting where they

sign, witness and notarize all of the documents. At that point in time, then the only thing that the people have to do is fund their trust properly. Trust funding means changing the name on their bank and investment accounts to the trust and fixing the beneficiary designations on their life insurance and 401(k) accounts according to however we structure the estate plan.

In a normal typical situation, it's usually 4 to 6 weeks from the first time that we meet until completion However, for people that are in a rush because they are terminally ill or are traveling, that process can be speeded up as is warranted by the circumstances that I am dealing with at that time.

WHAT DO I NEED TO BRING WHEN I MEET WITH AN ESTATE PLANNING ATTORNEY?

For the first meeting, generally I do not need the clients to bring anything to me because the first meeting really is educational. Most people do not really have any idea what documents are involved or how this system works or what they really need to do in order to put together a solid and

comprehensive estate plan. As such, the first meeting is really getting the client up to speed so that they know what they are going to do and how they are going to do it. So at that first meeting they really do not have to bring anything.

For the second meeting, generally what I want is the questionnaire filled out that I provide to the client and I also want to see the deeds to the real estate and a property tax bill so that I can verify the ownership and be sure of what the real estate tax ID number for the piece of real estate is.

Sometimes I want the people to bring in copies of their investment account statements and bank account statements so that I can have the correct information to put together the trust documents. That is really it in terms of what I need the clients to do other than just come in here and share their ideas on what they want to accomplish, how they want to do it, who they want to perform the various job duties, and how they feel about life support, organ donations, and burial or cremation instructions.

Basically, it is just having them share their goals and objectives with me and putting together the estate plan the way that they want it.

WHAT SORT OF WITNESSES ARE UTILIZED OR NEEDED FOR AN ESTATE PLANNING CASE?

In California, the trust, the power of attorney and the certificate of trust are all notarized documents. The last will and testament and the advanced healthcare directives are documents that are witnessed, so you need two witnesses to witness each of those documents. As to the witnesses, they have to have two disinterested witnesses that means somebody that is not related to them, somebody that is not named as an executor or any other job title in any of the documents and somebody that is not receiving any assets in the estate plan. It has to be somebody that is completely apart and outside of what is going on with the will or the medical directive.

THINGS TO AVOID IN THE ESTATE PLANNING PROCESS

In my personal opinion, the number one “do not” in estate planning is doing it yourself. The reality is that if you do your own bankruptcy or you do your own divorce, somebody is going to tell you if you made a mistake. In estate planning, you are not going to know if you made this mistake or not because you are going to be incapacitated or deceased. So if there is one circumstance that you want to have competent representation, estate planning is it.

What I always tell people is that I can do a really great job of changing a light bulb but I do not play around with the fuse box of my house because I am not an electrician. It is the same thing with estate planning; you might think you can do it yourself but odds are you are probably going to make a mistake. That is why I always say do not do it yourself, have somebody competent represent you.

ARE THERE ANY AGE RESTRICTIONS IN ESTATE PLANNING?

Absolutely! Age restrictions are a very common thing that I do with my clients that have young children. The vast majority of my trusts say that the interest and dividends that the trust spins off goes to the guardian of the children to take care of them until they're 21. Once the children reach age 21, then the trustee will then distribute the interest and dividends directly to the child so that the child learns how to use the money.

With regard to the actual principal of the trust, that is the actual money that you started with that has grown over time in the investments that the trust owns, the trustee has discretion to give money for the kids for whatever they need be it support, going to college, down payment on house, starting a business, or anything that is reasonable and necessary under the circumstances.

In terms of when you actually give the children the money, I am a big advocate of not giving children big piles of money until they are at least about 25 years old. My reasoning on that is that most kids run wild after they get out of college until they are 25, or if they did not go to

college, they are having a really good time and they do not settle down and be a little bit more financially responsible until they are age 25.

For the most part, you really cannot tell how responsible a 10 year old is going to be until they are 10 or 15 years older, so we do what I call a tiered distribution schemes. For example, your trust would say that when the child hits 25, they get 25% of whatever their trust is worth, then when they attain age 30, they get another 25% of what the trust is then worth, and then when they attain age 35, then the get the balance of the trust.

There are a lot of reasons to tier it. Number one, you give the child multiple shots at the money. If you give it all to them in one shot and they blow it in one shot, there is no second chance. I have seen a lot of kids get a big pile of money and they blow it relatively quickly, so at least this way, you give them two or three shots to get it right. It also protects against the child getting married young and divorced young with the divorcing spouse walking away with a lot of the money because the child did not know to

keep the money separate from his spouse until a period of time had elapsed in the marriage when they know that everything is going to be okay for the long haul.

The other reason why you do not give it all to them when they're young is if they develop financial problems; they get sued because the creditors can go after the money if the child has it. But if it is still in the trust, then the creditors cannot get to the money. There are a lot of reasons to restrict the money from the children until they reach certain ages. There are other kinds of restrictions you can put in such as requiring the child to have a college degree before they get the money when they turn 25. A lot of my parents are very adamant that they are working really hard to provide the funds to go to college and if they die, they want to make sure their kids go to college, so they say, "Look, you'll still get your money at age 30 and 35 but if you want the money at 25, I want some kind of degree," whether it's 2-year degree, 4-year degree or whatever the parents decide they want to put in.

THE DIFFICULT ASPECTS OF ESTATE PLANNING FOR AN ATTORNEY

Almost all the decisions that my clients have to make, I help with! I help them evaluate a given individual if they are going to make them a trustee of the money or a guardian of the child. I help them determine what assets they want to give to the children, whether it is how they are splitting up the personal property like the cars and the jewelry and the gun collections. I talk to them about how they want the kids to receive the particular financial assets. We talk about who is going to make the medical decisions and is that person really appropriate.

I give them advice and counseling on what their options are with regard to life support and do not resuscitate options; we talk about their options as far as how do they want to approach organ donations, what purposes do they want to donate organs for; we talk about what their real options are with regard to burial and cremation and help them make a choice that is really best for themselves, and so on.

The real job of a good attorney is to walk the people through the entire estate planning process and help communicate to the client and help the client really figure out what exactly it is that they want because when most people come into my office, they are not really sure what they want; they don't even know the right questions to ask.

My job really is to facilitate or to walk them through the process and help them pick the right people in the right order and help them get the estate set up the way they want and help them make sure that their wishes are taken care of in the event of their incapacity or death. Everybody wants to know what is the job of a lawyer; a real attorney is a good counselor, administrator and facilitator.

The Hardest Thing for People to Understand When it Comes to Estate Planning

The hardest thing for people to understand is that it is not just some impossible thing that they cannot get done. Most people feel like it is so complicated and it does not make any sense and they do not know what to do. The reality is that if they just commit to working through the

process with me, that they are going to get exactly what they want exactly the way they want it and when they want it; and have it all structured and have all the loose ends tied up, so that once they are done, they can put the binder with the documents in a safe place in their home and then go on and enjoy their lives.

Most people think it is a very lengthy process that takes forever and that it is incredibly expensive and the reality is that those are just not true things. The thing to really realize is to just commit yourself to the process, do the things that I ask you to do and answer the questions that I ask you to answer. You can put together a really solid estate plan for yourself that you are going to pretty much say thank you very much, it is done and go on and live your life. That is really what my clients come to me for and that is what I really try to provide.

DISCLAIMER

This publication is intended to be informational only. No legal advice is being given, and no attorney-client relationship is intended to be created by reading this material. If you are facing legal issues, whether criminal or civil, seek professional legal counsel to get your questions answered.

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