

## WHAT'S GOING ON AT NASH NASH BEAN & FORD



I've never been a fan of New Year's resolutions. I seem to always look back and say "there is always next year". I know in my hearts of hearts if I write down my goals of giving up chocolate (unheard of) or losing a few pounds (probably will have to give up chocolate, again, unheard of) I know I am a liar. I am aware that you don't have to make resolutions, but if you don't make them, you don't have an answer to the inevitably chipper and well-intentioned question "what is your new-year's resolution?" I have tried a variety of answers but my favorite is "to quit making resolutions".

I am, however a fan of making lists! There is something about taking ideas or thoughts and putting them down on paper or in my phone that I find rewarding. From grocery lists, Christmas lists, to-do list, list of bills that need to be paid or errands to run, all are pulled out and put into a solid tangible form. When secured on paper, lists make all of those unfinished things seem real. In print there is a possibility that they will be realized. My lists include organizing according to where I will be going, the layout of the store and the amount of time I have.

However, I am adding Estate Planning to my list! It is one of those things that is easy to procrastinate with getting done. You find yourself saying "there is always next year". Since I have been with Nash Nash Bean & Ford, I have learned many myths and truths to estate planning that I never knew before, let alone thought about. It is something that no one wants to think about but is important. So...this year...2015...when asked "what is your new year's resolution?" my answer will be "getting my estate plan together, I am making a life decision resolution". ~ **Tonya, Marketing Coordinator**

## Let's Talk...About Estate Plans for People & Pets

Two celebrities, Joan Rivers and Lauren Bacall, died recently. Both died very wealthy women and their heirs will be well cared for. However, each provided for their loved ones in very different ways.

Because Joan Rivers had a living trust, much of the details of her estate plan are unknown. Living Trusts are not filed with the probate court after death, unlike a Last Will and Testament. In most locations, anyone can access a Will and the accompanying information, while this is not possible with a trust (unless there is litigation).

It is estimated that Rivers' estate is worth in excess of \$150 million. It is believed that she left the bulk of her estate in trust for her daughter, Melissa, and her grandson, Cooper. She also left a pet trust for her four beloved dogs. Many people surmise that Rivers' longtime assistant, Jocelyn Pickett, was named as the dogs' caregiver. The job of the caregiver sometimes includes caring for the animals. If the caregiver does not provide actual care, she would ensure that the dogs are well cared for wherever they reside. You may recall that hotel heiress Leona Helmsley provided a suite for her dog, Trouble, at the Helmsley Sandcastle Hotel in Sarasota, Florida, where Trouble resided until Trouble's death last year. While most individuals cannot provide such luxury for their pets, they can make pre-arrangements to house the animals with friends, relatives or other caring individuals willing to care for the pet. In the alternative, they can utilize the services of a pet adoption facility, such as Best Friends Animal Society or Bideawee, for short- or long-term care of the animals.

Helmsley provided for the trustee of the pet trust to be different from the caregiver. This strategy provides maximum protection for the pet, with the trustee overseeing the actions of the caregiver and the trustee being accountable to the caregiver for the money to be used for the care of the animal. The trust can also provide for contingency plans in case the caregiver or trustee is unavailable to serve. Many pet trusts contain very specific instructions for the care of the animals, including their healthcare and burial, while other pet owners prefer to leave such decisions to the discretion of the caregiver and/or the trustee of the pet trust.

Lauren Bacall's estate is estimated at \$26.6 million, not including a power of appointment she had over a marital trust created by her first husband, Humphrey Bogart. Unlike Rivers, Bacall disposed of her estate by way of a Last Will and Testament, which is currently being probated in the New York Surrogate's Court. She left the bulk of her estate to her three children, Stephen

Humphrey Bogart, Leslie Howard Bogart, and Sam Prideaux Robards. She provided for a few small gifts to employees and gifts of \$250,000 each, in trust for her grandchildren. Lauren left her dog to her son along with \$10,000 to care for him.

By disposing of her estate through the probate court, Bacall's assets and debts are public information. The terms of her Will are public record. She named all three of her children as co-executors and requested that all three of them receive full executor commissions for their services. While there may have been a tax strategy involved in doing so (executor commissions are deductible for estate tax purposes), it is usually very cumbersome to have multiple executors, especially if any of them live out-of-state.

By leaving her assets outright to her children, the amount and timing of their inheritances will be common knowledge. While it is known that Joan Rivers intended to benefit her daughter and grandson, the amount that each is to receive in their trusts is not known. An outright distribution to a beneficiary leaves the inheritance subject to the creditors of the beneficiary. A trust for a child or grandchild can be structured to provide financial management, divorce protection, and protection from creditors, if desired.

While it is not known how Rivers' daughter's trust is structured, it is possible that Rivers structured her trust to provide her with divorce and asset protection. It is also likely that Rivers provided that any assets remaining in her daughter's trust after her death pass to her grandson estate and generation-skipping tax-free. By leaving their inheritances outright to her children, Bacall's children cannot benefit from any divorce or asset protection she could have provided them. Furthermore, when the assets pass from her children to her grandchildren, it is possible that those assets will be subject to a second round of estate tax (both Rivers' and Bacall's estates will be subject to estate tax, as they both exceed the amount that can be passed free of estate tax, which is currently \$5.43 million per person).

While there is no right way or wrong way to plan an estate (except not to plan at all), it is clear that Joan Rivers and Lauren Bacall approached their planning differently. Apparently, Bacall preferred to make it simple by giving her estate outright to her children, providing for short-term testamentary trusts for her grandchildren and designating her son to take care of her dog. Rivers preferred to avoid the publicity of probate by establishing a trust, provide for continuing trusts for her daughter and grandchild and a pet trust for her four beloved dogs. Providing for continuing trusts for her daughter and grandson will avoid probate upon their deaths and potentially reduce or avoid estate and generation-skipping taxes as well as provide

divorce and asset protection. By providing the pet trust for her dogs, she assures there are funds available for their care and that the care is actually provided.

Our office focuses on all types of estate planning. We can provide plans ranging from the simple to the complex. We work with clients of all ages and income and wealth levels. As a member of the American Academy of Estate Planning Attorneys, our firm is kept up-to-date with information regarding estate planning. You can get more information about scheduling a complimentary estate planning appointment and our planning and administration services by calling our office at (309) 944-2188.

## **HCPWA vs. Emergency Contact: Don't be confused!**

There is a difference between an **Emergency Contact** and a **Health Care Power of Attorney**. Such is the finding of a recent study conducted at the Henry Ford Hospital in Detroit: **95% of patients admitted to the ER assumed that their emergency contact is their medical decision-maker, including for end of life care.** The responsibility for the confusion may well fall on doctors and emergency room staff. According to Dr. Erin Zimny, an Emergency Medicine and Palliative Care physician at Henry Ford Hospital and co-author of the study, here's why: hospital staff typically ask only for a patient's Emergency Contact information; they do not typically ask who the medical decision-maker is. Nor do they explain what "Emergency Contact" means to them. "We're using an antiquated vocabulary in medicine," said Dr. Zimny in a hospital news release. "We should be asking and educating patients about the importance of an advance directive instead of defaulting to the emergency contact world." As a result, the Emergency Contact assumes a falsely heightened level of significance in the mind of the patient, and inadvertently downplays the importance of a Health Care Power of Attorney.

When a hospital asks who your emergency contact is, it's important to tell hospital staff who the medical decision-maker is and – if it's a separate person – who the emergency contact is. Just to be clear, here's the difference: An Emergency Contact is just that – someone who is notified of the emergency. That's it. Even if that person shows up at the hospital, they have no special powers or authority. A health care power of attorney, as you well know, assumes legal authority for medical decision-making if your client is unable to do so, even if they are not present at the hospital.

Most advance directives registries and other providers of medical ID cards include the name(s) of an

Emergency Contact so that the patient's loved one can be notified promptly in an emergency. Obviously, the benefit of being enrolled in a registry is that clients' HCPOA will also be known – in addition to the Emergency Contact – because the hospital obtains the advance directives from the registry. That's the whole point.

At our firm we can help with the confusion with an advance directives registry called DocuBank.

DocuBank keeps your documents within reach, around the clock and around the world. You will have instant access to vital documents. The DocuBank Emergency Card helps to ensure that your medical wishes are known and respected when it counts. DocuBank SAFE allows you to upload and store those documents that you want quick, convenient, access to online.

When you store your healthcare directives (living will, health care power of attorney) with DocuBank, you receive a personalized Emergency Card that makes all of your emergency information and critical healthcare documents available.

DocuBank also offers a Family Notification Service. Members can send a personalized email to friends and family members letting them know that they have joined the DocuBank service and that their health care wishes are available 24/7/365 in an emergency.

Contact our office at (309) 944-2188 for more information on this great service and sign up today!

## Referrals

We hope that after having completed your estate planning, you also feel it was a valuable process. If you know family or friends that you feel could also benefit from that process, we encourage you to refer them to our firm. Don't worry, we won't bother them. We would simply like to send them a personal invitation to one of our free estate planning seminars in their area. You may find that they may have some of the same reasons to complete their estate planning as you did!

If you would like to refer a family member or friend, simply fill out the enclosed referral form and return it to our office. You may also email their name and contact information to [info@nashbeanford.com](mailto:info@nashbeanford.com).

## Nash Nash Bean & Ford Happenings

**John & Vicki Bean's** daughter, Mary Bean and her husband, Jean Marco Penalzoza Macha arrived in the United States to visit Mary's family over the holidays. It was Marco's first trip to the U.S. Mary

and Marco went to Indiana with John and Vicky Bean to visit Vicky's father, Richard Keller. Marco visited Arsenal Island and the Deere Pavilion in the Quad Cities, and managed some ice cream at Whiteys. After Christmas, Mary and Marco, Jennifer and Brian Williams and their sons, Jonathan and Logan, John and Vicky Bean and William and Brittany Bean and their daughters, Arya and Eden went to Chicago. They visited the Art Museum, the Museum of Science and Industry, the Shedd Aquarium and went to a Bull's game. (They lost)!!

After New Year's Day, Mary and Marco returned to their home in Buenos Aires, Argentina, where Mary works for a telecommunications company translating documents and Marco is employed as an attorney specializing in Immigration law. Marco enjoyed his first trip to the United States, but was disappointed that it did not snow while he was here. He has never seen snow before!

**Bob Nash** wishes to thank everyone for their get well wishes and support following his October 2 back surgery. The surgery was a success and Bob is able to work full time as of the first of the year.

**Blue Jeans for Charity** If you've been in our offices over the past year, you may have noticed that we've been going casual for a cause. We designate the fourth Friday of every month for "Blue Jeans for Charity" day, in which staff and attorneys can pay \$5 to wear jeans to benefit a charity suggested by the staff. The firm matches funds raised by the blue-jean wearing staff. We will be continuing to support multiple charities in 2015. Thank you to our staff and firm for supporting all of these great charities.

## Continuing Legal Education Efforts of Our Attorneys

As part of their membership in the American Academy of Estate Planning Attorneys, all of our attorneys are required to complete 36 hours of continuing legal education. All attorneys completed their required hours in 2014!

**Jim Nash, Curt Ford & Mary Ann Brown** attended the 10<sup>th</sup> Annual Elder Law Short Course provided by the Illinois Institute for Continuing Legal Education.

**Jim Nash** also completed Estate Planning & Asset Protection For Retirement Accounts, Trusts as Beneficiaries of IRA's, Portability & the 706 Tax Return, The Joint Exempt Set-Up Trust and the 10<sup>th</sup> Annual Real Estate Short Course.

**Bob Nash** completed Spendthrift Trusts in a Nutshell, Recent Developments in Estate and Trust

Administration and When Good Beneficiaries Go Bad or Missing.

**John Bean** completed Recognizing, Planning For and Disposing of Guns & Other Difficult Assets and Medicaid Alert: What You Need To Know.

**Curt Ford** also completed Estate Planning for Small Business Owners, Indexed Annuities and Social Security Planning.

**Mary Ann Brown** also completed Recognizing, Planning For and Disposing of Guns and Other Difficult Assets.

**Ben Young** completed The Joint Exempt Set-Up Trust.

## Recipe

### Slow Cooker Salisbury Steaks

*(from Jean Marks, Real Estate Paralegal)*

2 pounds ground beef (recommend 97/3)

1 medium onion, finely diced

1 packet dried onion soup mix

½ cup Italian bread crumbs

¼ cup milk

Drizzle of canola/vegetable oil

2 cans cream of chicken or cream of mushroom soup

½ can of water

1 ½ teaspoons of Kitchen Bouquet

Pepper to taste

Start by combining the ground beef, onion, onion soup mix, bread crumbs and milk together and form into patties. Preheat a large skillet on medium heat and drizzle with oil. Place the patties in the skillet and sear on both sides. No need to cook them through, just get a nice brown on them. Spray the slow cooker with cooking spray and place the patties inside.

In the same pan you used to brown the meat, add the soup, water and Kitchen Bouquet. Lower the heat to medium and bring to a bubble. Taste and season accordingly with black pepper. Pour the sauce over the patties in the slow cooker.

Let cook on low for 4-5 hours. Serve with mashed potatoes and enjoy!

## Speaker's Connection

Does your organization need a program? We regularly work with professionals, churches, non-profit organizations, clubs and other groups to help educate their clients and members on the principles of Estate,

Tax and Business Planning along with both immediate and long-term Charitable Giving options. We also speak to elder organizations, such as Alzheimer's Associations, assisted living facilities and senior citizen organizations on Medicaid planning, care giving and retirement planning topics.

If you would like us to speak at your next meeting, contact our office at 309-944-2188, 309-762-9368 or 1-800-644-5345 and ask for Tonya.

## For up-to-the-Minute News

### We are happy to offer you:

- **eNewsletters** filled with timely and informative articles about estate planning and related topics.
- **Blog posts** covering a variety of estate planning, farm planning, business planning and elder law topics.
- **Facebook and Google+** filled with community and nonprofit events, health tips, farm and family information and general news about the Nash Nash Bean & Ford family.

It's easy to join any of these options by simply visiting our website, [www.nashbeanford.com](http://www.nashbeanford.com), and following the links in the right hand column. It's that simple! Please tell your friends!

## Do you have any changes to your current lifestyle that would affect your will or trust?

This will include a death, marriage, divorce or any status that could change your will or trust. Please contact our office immediately so we can review your documents. We will let you know if there are any changes that need to be made or reviewed with you.

It is also important for your family to know what life insurance you have in the event of an unexpected death. If you receive notification from your Life Insurance Company do not ignore it. It is your responsibility to update names and address of named beneficiaries of a policy. It will help your loved ones in the long run!

## Have you gotten rid of your home land line phone and use a cell phone only now?

Please contact our office at (309) 944-2188 or (800) 644-5345 so we can update your information in your file.