

# **BASIC ESTATE PLANNING**

**CASEY CHAPMAN**

# PLANNING ISSUES

- **POWER OF ATTORNEY**
- **HEALTH CARE DIRECTIVE**
- **ASSET OWNERSHIP**
- **WILL**

# LIFETIME PLANNING

- **Disability**
  - **Financial supervision**
  - **Health Care supervision**
- **Asset Ownership**

# POWER OF ATTORNEY

- **Durable power of attorney**
  - **General powers, “plus...”**
  - **Words of “durability”**
  - **Avoid guardianship**
  - **Gifts under power of attorney**
  - **Some states...statutory form**

# HEALTH CARE DIRECTIVE

- **Designate Health Care Agent**
  - **Treatment, Providers, etc.**
  - **Living Will Language**
  - **Permanent Unconsciousness**

# TRANSFER TAXES

- **Gift Tax and Estate Tax – combined**
- **2009- \$3.5 Million**
- **2010- No transfer tax**
- **2011- \$5 Million [plus COLA]**
- **2018- \$11,180,000 Million**
- **[COLA in subsequent years]**
- **2026- \$15,000,000 [plus future COLA]**

# GIFT TAX EXCLUSION

**2026- First \$19,000 of gift does not count**

**Does a gift tax return need to be filed?**

# ASSET OWNERSHIP

- **What are the differences?**
- **Sole**
- **Joint**
- **Beneficiary Designations**

# ASSET OWNERSHIP

- What issues arise during lifetime?
- Vehicles.... “or”
- Bank accounts.... “and”, “or”
- Bank accounts.... Additional owners?
- Houses and land... who must sign?

# DEATH... PLAN?

- **Power of Attorney... terminates**
- **Is probate needed?**
  - **Solely owned property**
  - **Under \$100,000, with no house or land?**
  - **How is other property titled?**

# DEATH... PLAN?

- **Jointly owned property**
  - No probate
- **Beneficiary designations**
  - No probate
- **Transfer on Death Deed**
  - No probate

# WILLS

- **Solely Owned Property**
- **And.... Special requirements**
  - **Minor children**
  - **Children with special needs**
  - **Specific property transfers**
    - **Business, farm, cabin, etc.**
  - **Charities**

# WILLS

- **Mental Capacity**
- **No Undue Influence**
- **Signed**
  - **Two witnesses, OR**
  - **Notarized**
- **Can be amended**
- **Where is the original?**

- **Thank You !!**
- **REMEMBER**
- **USE A JOINT ACCOUNT, OR A WILL,  
OR A BENEFICIARY DESIGNATION,  
BUT ...**
- **MAKE A PLAN**