



Estate Planning Guidebook

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On behalf of the Doyle Law PC, I would like to thank you for your interest in our Estate Planning Service. We have designed this service to help you obtain a personalized estate plan, in a simple and cost-effective manner. We look forward to the opportunity to work with you.

This guidebook will explain our Estate Planning Service and help you to make the decisions necessary to create your personalized estate plan.

Who is Doyle Law PC?

Doyle Law PC is a Michigan law firm, with its main office located in Lansing. We, also, have a satellite office in Grand Rapids.

The Firm is owned by Thomas A. Doyle, a licensed Michigan attorney since 1980. We focus specifically on providing professional estate planning and probate services to our clients. Our goal is to help our clients protect their families and loved ones with professional individualized estate plans.

What happens to your estate if you do not have an estate plan?

The short answer to this question is that you already do have an estate plan, even if you do not prepare one for yourself. The State of Michigan has prepared an estate plan for you called "Intestate Succession." The State of Michigan's plan controls who will receive your home, investments, bank accounts and other assets at the time of your death, who will be in charge of distributing your assets, and who will care for your minor children.

Fortunately, you have the choice of creating your own personalized estate plan designed to meet your goals. However, you can only replace the State of Michigan's plan by creating your own personal estate plan.

What is the most appropriate estate plan for you?

Estate plans come in two (2) basic flavors: Trust Estate Plans and Will Estate Plans.

Trust Estate Plans (often called “Revocable” or “Living” Trusts) are primarily used in any of the following situations:

1. You own property that will have to go through probate at the time of your death (any real estate, investments, bank accounts, or other property owned by you individually), and you want to avoid having that property go through probate.
2. You are married and have a combined estate that is large enough that it will be subject to Federal Estate Tax (more than \$1 Million in 2011). A Trust Estate Plan for a married couple can be designed to double these amounts. We will be happy to answer any questions you have about Federal Estate Taxes.
3. You have children or grandchildren that you do not want to receive their inheritance when they turn 18. The inheritance can be held in a Trust to be used for college or trade school education, or until the child or grandchild reaches a more mature age. You might, also, use a Trust to manage an inheritance for adult children who you do not think are capable of handing their inheritance.
4. You have a blended family, and you and your spouse want to preserve your estates for your respective children. Trusts can be created to maintain each spouse’s control over his or her assets.
5. You have a “special needs” child who is receiving needs-based government benefits. A Trust can be designed to protect those benefits while still providing additional support for your child.

If any of these circumstances apply to you, then you should consider having a Trust Estate Plan.

A Will Estate Plan is for individuals who have decided that it is OK for their property to go through probate at the time of death. Perhaps you do not own much property that will have to go through probate at the time of death. However, the Plan does include both Durable Power of Attorney and Power of Attorney for

Health Care which are intended to avoid Probate Court involvement in the event of your incapacity.

We will work with you in designing an estate plan that meets your goals.

Do you have any special needs that should be considered in designing an estate plan?

The special planning issues that arise with second marriages and blended families require particular consideration. Often the goal of each spouse is to maintain their respective estates for their own children, rather than having their estates go to their spouse or their spouse's children. To accomplish this goal, your estate plan should not be one that could be changed by the surviving spouse (such as a joint revocable living trust). A simple Will Estate Plan, also, is not appropriate since a surviving spouse can elect to ignore the Will and take his/her share of the estate as provided by Michigan law. If you have a blended family, we will discuss the various estate planning options available to achieve your goal of protecting your family.

If you have disabled children who are receiving needs based public assistance (i.e., Medicaid), and you do not want your estate plan to disqualify your child from receiving public assistance, then a Trust Estate Plan should be used with special provisions designed to protect the government benefits. We can include these special provisions in your estate plan.

How much will your Estate Plan cost?

One of our goals in providing estate-planning services is to make our estate plans reasonably affordable. We will fully discuss our fee schedule with you during your office consultation.

What will your Estate Plan include?

We believe that an estate plan is not complete unless it addresses issues involved in the event of incapacity, as well as death. Therefore, both our Will Estate Plans and our Trust Estate Plans include Durable Powers of Attorney (for management of assets) and Powers of Attorney for Health Care (for making health care decisions). Each of our Trust Estate Plans, in addition to the Trust or Trusts, also includes "Pour Over" Wills, and Certificates of Trust.

Will you have to do anything else after signing your Estate Plan Documents?

If you have a Trust Estate Plan, it will be necessary to "fund" your Trust in order to accomplish your goal of probate avoidance, asset management, and Federal Estate Tax reduction (where applicable). Funding your Trust is simply the process of transferring ownership of your assets to your Trust. It might also be necessary to change beneficiary designations on life insurance policies, annuities, Individual Retirement Accounts, Pension Plans and any other programs that have beneficiary designations.

We will prepare a funding plan for you based upon the information that you provide to us about your assets. By using our funding plan, most clients are able to fund their Trust themselves. However, we can provide funding assistance, at an additional nominal cost.

Your estate plan will also include a Power of Attorney for Health Care. You will have to make arrangements to have the named Patient Advocate sign the acceptance of appointment.

What are the commonly used Estate Planning documents?

Revocable Living Trust

A good analogy for a Revocable Living Trust is a box with a list of instructions on the side. The instructions (i.e., Trust Agreement) indicate who is to be in charge of the box (i.e., "Trustee"), and who is to receive anything that is left in the box at the time of your death (the "beneficiaries"). Normally, you will name yourself as the Trustee during your lifetime, and will name someone else to be the Trustee after your death ("Successor Trustee"). The Trust Agreement also sets forth the

rules under which the Trust is managed.

During your lifetime, you will be in charge of the Trust, and are entitled to receive any benefits from the Trust. This means that you are in charge of managing and spending the Trust assets. After your death, or upon your disability, your Successor Trustee will be responsible for managing the Trust assets in accordance with the rules contained in the Trust Agreement.

It is important to remember that a Revocable Living Trust can be either amended or revoked in its entirety. Any amendment has to be in writing, and should be drafted by a qualified estate-planning attorney. You can also add assets to the Trust or remove assets as you wish.

Upon your death, the Successor Trustee that you have named in the Trust will manage and distribute the remaining Trust assets according to the directions set forth in the Trust Agreement.

Last Will and Testament

Your Last Will and Testament (referred to as a "Will") controls the distribution, through probate, of property that you own in your own name at your death. In your Will you name the person who will be responsible for managing the probate of your estate (the "Personal Representative"), as well as who will receive your estate (the "devisees"). If you have minor children, you will also name the person they will live with (the "Guardian") and the person who will care for what they inherit from you until they turn 18 (the "Conservator").

Your Will does not control distribution of property that is subject to a beneficiary designation (i.e., life insurance and IRAs) unless the designated beneficiary is your estate or the designated beneficiary fails to survive you. It also does not control distribution of any property that is jointly owned with another.

Remember, having a Will does not avoid probate. Rather, your Will provides direction to the probate court for distribution of your property.

Durable Power of Attorney

A Durable Power of Attorney authorizes the person you have named to manage your personal and financial affairs in the event that you become incapacitated. It is used to avoid the necessity of having a Probate Court appoint a Conservator to manage your assets.

Power of Attorney for Health Care

A Power of Attorney for Health Care authorizes the person you have named to make decisions concerning your medical treatment, but only if you are unable to communicate these decisions for yourself. A copy of your signed Power of Attorney for Health Care can be provided to your physician to be kept in your medical record file.

The Powers of Attorney for Health Care that we prepare also contain provisions indicating whether or not your life is to be prolonged by providing or continuing life-sustaining treatment if certain medical conditions exist, such as in an irreversible coma or persistent vegetative state.

What other documents can we prepare?

Our goal is to help you to develop a personalized estate plan that meets your needs. For some clients, their goals can only be met with more advanced estate planning techniques such as Private Family Annuities, Charitable Remainder Trusts, Irrevocable Life Insurance Trusts, and other planning strategies. We have available a wide range of other planning tools to meet even the most advanced estate planning needs.

What do you do now?

By scheduling an estate planning consultation with us you will have already taken the first step to creating your own personalized estate plan designed to meet your goals. Your next step is to help us prepare for your consultation. Please complete the **Estate Planning Worksheet**, and bring it to your scheduled appointment.

Of course, the information that you provide to us will be confidentially maintained.

Estate Planning Worksheet

(please complete and bring worksheet to your scheduled appointment)

INFORMATION ABOUT YOU AND YOUR FAMILY

You

Last Name: _____ First & Middle Initial: _____
Address: _____
City: _____ County: _____
State: _____ Zip Code: _____
Age: _____ Date of Birth: _____
Telephone: (home) _____ (work) _____
E-mail: _____

Spouse

Last Name: _____ First & Middle Initial: _____
Age: _____ Date of Birth: _____
E-mail: _____

Children (If blended family, indicate who is the child's parent: **Y**ou, **S**pouse, **B**oth)

Name	Age
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please answer the following questions. We will use your answers in developing our recommendations for your estate plan.

1. Are you a U.S. citizen? _____
2. If you are married, is your spouse a U.S. citizen? _____
3. Do you or your spouse have any children (minor or adult) who qualify for needs-based government assistance (i.e., Medicaid)? _____
4. Are you or your spouse currently receiving any needs-based government assistance (i.e., Medicaid)? _____
5. Do you wish to avoid your estate going through probate? _____

6. If you have minor children, at what age do you wish to have them inherit your estate? _____
7. If you have minor children, do you wish to encourage them to go to college/trade/technical school? ___
8. If you are married and have a blended family, do you and your spouse wish to have all or part of your estates go to your respective children rather than the spouse? __
9. Do you and/or your spouse have a Will? ___
10. Do you and/or your spouse have a Trust? ___
11. Do you and/or your spouse have a Health Care Power of Attorney? ___
12. Do you and/or your spouse have a Power of Attorney for your property? ___
13. Do you and/or your spouse have a Power of Appointment? ___
14. If married, do you and your spouse have a Prenuptial or Antenuptial Agreement? ___
15. Do you have any pets? _____
16. Are you interested in learning about how you can provide for your pets when you are gone? _____
17. Would you like information about how to establish a family legacy (i.e., family foundation)?

INFORMATION ABOUT YOUR PROPERTY

(Enter the approximate current market value of your assets)

Who Owns the Asset?	You	Spouse	Joint
Total value of home and other real estate			
Value of total investments (stocks, bonds)			
Value of a business			
Value of bank accounts (checking, savings)			
Total value of cars, boats & motor homes			
Value of personal property & collectibles			
Total amount of money that people owe you			
Amount life insurance will pay at your death			
Value of profit sharing, IRAs, pension & 401K			
Other			
TOTALS			

INFORMATION ABOUT DEBTS

Who Owes the Debt?	You	Spouse	Joint
Mortgages			
Credit Cards			
Other			
TOTALS			

PLAN OF DISTRIBUTION

Specific Gifts

Do you want to make charitable gifts, such as to a church or charity? Do you wish to make a special gift to a particular person, such as a piece of jewelry to a particular child?

Residue

Who is to receive assets that are remaining after any specific gifts are distributed?

___ all to spouse; If no spouse then:

_____equally divided between surviving children.

_____then equally divided between children, with any deceased child's share equally divided between his/her descendants by right of representation.

_____then equally divided between children, with any deceased child's share equally divided between his/her children and maintained in trust until the grandchild reaches the Distribution Age. Trustee shall pay to or for the benefit of the grandchild those portions of interest and principal that Trustee determines necessary for the reasonable health care, education, support and maintenance of the grandchild. The share of any grandchild who does not survive, or does not survive until Distribution Age, shall be equally divided between his/her descendants by right of representation, and maintained in trust for each descendant under the same terms as for a grandchild until the descendant attains the Distribution Age, or if no descendants, then equally to his/her siblings and maintained in trust as provided herein, or if no siblings, then to my/our other children as provided herein. Distribution Age:_____

_____then equally divided between children, and maintained in trust until the child reaches the Distribution Age. The Trustee shall pay to or for the benefit of the child those portions of interest and principal that Trustee determines necessary for the reasonable health care, education, support and maintenance of the child. The share of any child who does not survive, or does not survive until Distribution Age, shall be equally divided between his/her descendants by right of representation, and maintained in trust for each descendant under the same terms as for a child until the descendant attains the Distribution Age, or if no descendants, then equally to other children and maintained in trust as provided herein. Distribution Age:_____

_____ then maintained in the trust for the benefit of all children until the youngest child attains the Distribution Age. Trustee shall pay to or for the benefit of the children those portions of interest and principal that Trustee determines necessary for the reasonable health care, education, support and maintenance of the children. Trust shall continue until youngest child attains the Distribution Age, at which time the Trustee shall divide the residue of the Trust equally between then surviving children, provided the Trustee may adjust such shares as necessary to equitably take account of substantially disproportionate expenditure of Trust funds for a benefit of a child (education, travel, social expenses and the like). The share of any child who does not survive, or does not survive until Distribution Age, shall be equally divided between his/her descendants by right of representation, and maintained in trust for each descendant under the same terms as for a child until the descendant attains the Distribution Age, or if no descendants, then equally to other children and maintained in trust as provided herein. Distribution Age: _____

Other: _____

Ultimate Distribution

Who is to receive your property if neither you, your spouse, your children nor other descendants survive?

Distribution Age

If you do establish a Trust to manage assets for beneficiaries, then you need to decide when the remaining balance in the Trust is to be distributed outright to the beneficiary. You might want to give each beneficiary his/her share when the beneficiary reaches a certain age, or upon the occurrence of a particular event (such as obtaining a college degree). You might consider splitting the distribution, such as $\frac{1}{2}$ at age 25 and the balance at age 30. _____

GENERAL QUESTIONS

NOTES AND QUESTIONS: Please note anything else which may be of importance in planning your estate, or note any questions you might have.

NOTE: THE INFORMATION REQUESTED IN THE FOLLOWING SECTION OF THIS WORKBOOK WOULD BE USED IN PREPARING YOUR ESTATE PLAN DOCUMENTS.

IT WILL BE HELPFUL IF YOU ARE ABLE TO COMPLETE SOME OR ALL OF THIS INFORMATION. ANY MISSING INFORMATION WILL BE DISCUSSED WITH YOU SHOULD YOU DECIDE TO HAVE US PREPARE AN ESTATE PLAN FOR YOU.

ESTATE PLAN INFORMATION

Guardian

If you have minor children, who will raise them if something happens to you? You can name either an individual or a married couple who will serve as joint Guardians. You should also name an alternate Guardian in case the individual or individuals you name are unable to serve. Do not complete if you do not have minor children.

Guardian: _____
Address: _____
Phone: _____

Alternate Guardian: _____
Address: _____
Phone: _____

Conservator

If you have minor children, who will manage property your minor children receive until they become adults (age 18 in most states). You should also name an alternate Conservator in case the individual or corporate entity you name is unable to serve. Do not complete if you do not have minor children.

Conservator: _____
Address: _____
Phone: _____

Alternate Conservator: _____
Address: _____
Phone: _____

Durable Power of Attorney

This document lets you choose the person or corporate entity who will manage any property you own if you become incapacitated. You should also name an alternate Agent in case the individual or corporate entity you name is unable to serve.

(Unless you decide otherwise, for married individuals each spouse will be named the first Agent for the other, and your choices below will be for the 1st Alternate Agent and 2nd Alternate Agent)

Agent: _____
Address: _____
Phone: _____

Alternate Agent: _____
Address: _____
Phone: _____

Spouse's Durable Power of Attorney

Agent: _____
Address: _____
Phone: _____

Alternate Agent: _____
Address: _____
Phone: _____

Power of Attorney for Health Care

This document lets you choose the person who will make health care decisions (including decisions about life support) for you if you are unable to make them for yourself. You should also name an alternate Agent in case the person you name is unable to serve.

(Unless you decide otherwise, for married individuals each spouse will be named the Agent for the other, and your choices below will be for the 1st Alternate Agent and 2nd Alternate Agent)

Agent: _____
Address: _____
Phone: _____

Alternate Agent: _____
Address: _____
Phone: _____

Spouse's Power of Attorney for Health Care

Agent: _____
Address: _____
Phone: _____

Alternate Agent: _____
Address: _____
Phone: _____

Personal Representative

Your Personal Representative (Executor in some states) is the person or corporate entity who will be responsible for managing any probate of your estate. You should also name an alternate Personal Representative in case the person or corporate entity you name is unable to serve.

(Unless you decide otherwise, for married individuals each spouse will be named the Personal Representative for the other, and your choices below will be for the 1st Alternate Personal Representative and 2nd Alternate Personal Representative)

Personal Representative: _____
Address: _____
Phone: _____

Alternate Personal Representative: _____
Address: _____
Phone: _____

Trustee

If you decide to have a Living Trust Estate Plan, you will need to name the person or corporate entity who manages your Trust after your death or upon your disability. You will be the initial Trustee.

(Unless you decide otherwise, for married individuals each spouse will be named the Successor Trustee for the other, and your choices below will be for the 1st Alternate Successor Trustee and 2nd Alternate Successor Trustee)

Successor Trustee: _____
Address: _____
Phone: _____

Alternate Successor Trustee: _____
Address: _____
Phone: _____