

# Legal-Ease

Legal Writing You can Understand

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## THE TRIP OF MY DREAMS

One of the things I love about my job is how much I learn from many of you. I really do listen and find your experiences influence my decisions and experiences.

I recall vividly, for example, one woman who came to see me shortly after the Alzheimer's diagnosis for her husband. She said, "I am so grateful that we went on that Mediterranean cruise when we did — we were both healthy and we thoroughly enjoyed ourselves. It was really our last vacation together"

Another client and her husband had come to see me just shortly before his retirement to make sure they had all of their plans in place. They had worked hard and had saved a nice amount and were eagerly looking forward to the trips and the time of leisure upon his retirement. A short two years later, she came to see me — a widow.

So although the economy is uncertain and leaving my business for two weeks made me very nervous, I decided that this year, my husband and I would take the trip of our dreams. I had wanted to cruise the Greek Islands as a honeymoon, but we were paying off school loans and too poor to afford that. Instead, we



In Santorini

celebrated our 38th wedding anniversary on this cruise. It was everything I had dreamed about and more.

We spent 3 pre-cruise days in Istanbul because my husband, a former history teacher, had always yearned to go there. We loved Istanbul finding it very exotic yet westernized and modern.

For me, Santorini was beyond picturesque and I was mesmerized by the sheer beauty of it. The village of Oia presented one picture after another!

The trip itself held a couple of more unexpected lessons for me. I carefully planned my first 2 week vacation since being a lawyer. When

we disembarked in Venice at the end of the cruise, we were to have a single night before flying home. That's the day we learned of the volcanic eruption in Iceland and the ash spewing over Europe.

The airport closed the day we were to leave and we found ourselves with 4 extra days in Venice. Needless to say, many appointments were re-scheduled but in the end all was taken care of.

Much as we might like to think that we are in control, that we can plan and organize carefully so things go our way, in fact, life is more than that and we need to seize opportunities as we can. Tomorrow may or may not be there for us and we may or may not be able to do what we want to do.

Please do not put off your dreams until retirement. While we're all feeling pinched during this difficult economy, we need to strike a balance between enjoying the day we know we have and making sure we have enough for the unknown number of days ahead. It is a balancing act and it is so important to get it right!

# Spotlight on Beth Kennedy & Alice Anyon

Many of you recognize the familiar face of Beth Kennedy who has worked in our offices for the past 6 years. As with many of you, Beth's recently been faced with changes in her parents' lives. Her parents had lived in Hollywood, Florida for nearly 50 years. During the last decade, Beth's father was in very poor health and her mother took care of him through his many illnesses until his death in September 2008.

Beth took many trips to Florida during that time to help out as much as she could from a distance. In July 2009, her mother took a fall and fractured her pelvis. It was clearly time to make other living arrangements. Because it is a story heard so frequently in our office, Beth would like to share some of the details with you.

**"My mom was limited in choice. With housing prices sharply declining in Florida, when she sold her home she actually received less than 50% of its estimated value 5 years ago. She had reached the end of her IRA, and was living on her social security with some assistance from us. It was a blessing she had an HMO that took care of all of her medical expenses.**

**"It's very sad but very common that even though your home is paid for, sometimes you just can't afford to keep it with rising insurance costs, and maintenance costs. When you are 80 yrs. old, you cannot afford to wait until housing**

**prices rise again in order to sell. Because of the reduced value of her home, Mom could not afford assisted living. An apartment was not an option since we felt she should not be alone. We have always been close, and she wished to live with me if possible. Since I was fortunate to have three empty bedrooms, space was not a problem. In the future we may need to make some changes because all the bedrooms and full baths are upstairs.**



**"After Mom moved up here, with the help of the New Milford Senior Center staff, I found the best medical insurance and prescription drug coverage. She now has excellent physicians, and even had her shoulder resurfaced last February.**

**"Shortly after arriving, I suggested that Mom meet with Barbara to obtain Connecticut documents and decide the most effective way to handle her assets and finances. Since I am her**

**Power of Attorney and Health Care Representative, I attend her appointments to ensure she understands what she is hearing and we keep one large calendar with all appointments notated."**

When Beth's Mom met with me to discuss new documents, she expressed that she wanted to contribute to the household expenses. She was so grateful to be living with Beth and Jim and she did not want to be a financial burden to them. I suggested that she sign a Care Agreement with Beth and Jim and in exchange, she transfer to them the proceeds from the sale of her home. Making calculations based upon her age and the funds she had, I explained to her that this is a fair compensation for the various "services" that Beth and Jim will be providing for her. We also agreed that a small monthly payment was in order to help defray living costs yet leave her with enough money to enjoy herself.

**"It was so nice not to be present so Mom could openly discuss her wishes with an experienced professional. Barbara provided the guidance my mom needed for her future needs. I know my mom will live a happier, healthier, longer life now that her burdens have been lifted."**

Each family's situation is unique. Please be certain to consult an elder law attorney to find out the best solution for your family's needs.

## IS YOUR PAPERWORK IN ORDER?

A client's mother passed away recently and we sent him the checklist of items to bring to our initial consultation to begin settling the estate. He thought it was such a helpful statement of "need to have at hand" items that he passed it along to his colleagues at work. We decided to share it with you as a reminder of what your Executor will need to have shortly after your passing—maybe it will inspire you to make things easier for him or her.

- Certified Death Certificates
- Paid in Full Funeral Bill
- Original Last Will & Testament
- Names and Addresses of all Heirs and social security numbers for all beneficiaries and date of birth for any beneficiaries under 18
- Copies of Deeds to any real estate owned solely or jointly
- Copies of titles to any cars owned solely or jointly with approximate mileage
- Statements that include date of death time frame (if statement not prepared yet, bring most recent) for any bank accounts held solely or jointly
- Statements for any IRA's or Keogh's owned that include date of death time frame (if statement not prepared yet, bring most recent) with beneficiary information
- Original Savings bonds owned jointly or solely
- Stock Certificates owned jointly or solely (if statement not prepared yet, bring most recent)
- Statements from investment companies that include date of death time frame (if statement not prepared yet, bring most recent)
- Pension statement if continued after death with beneficiary information and amount of continuation (need beneficiaries date of birth)
- Information on partnership or business interest if applicable
- Life Insurance policies – with company name, policy number, face value, cash value and beneficiary information
- Copy of most recent tax return
- Did deceased or any beneficiary ever receive aid from the State of CT?
- Any gifting information if gifted within last 3 years
- Copies of any bills paid after death in deceased's name (i.e. medical bills, credit cards)

### Northern Fairfield County Probate District

Courts in Newtown, Bethel, Redding and Ridgefield have also combined to form the new Northern Fairfield County Probate Court which will be located in Bethel and serve about 78,000 people. The election for judge in this district is Judge Joseph Egan, Ridgefield's longstanding judge, against Newtown Democrat Tim Holian.

### Litchfield Hills Probate District

The new Litchfield Hills Probate Court, serving 43,500 people and located in Litchfield, will include the towns of Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston and Warren.

### Region 22 Probate District

The town of Washington joins the Region 22 Probate District, serving 73,500 people, which also includes Bethlehem, Oxford, Roxbury, Southbury, Watertown and Woodbury. The Court will be located in Southbury.

## Probate Court Consolidation

The consolidation of our probate courts from the original one court per town to one court per at least 40,000 people takes effect January 1.

In New Milford, we have seen our court merge with New Fairfield, Sherman, Brookfield and Bridgewater to become the Housatonic Probate Court, serving about 65,000 people. No matter which town the elected judge is from, the site of the court has been determined to be New Milford.

We were fortunate to have had two experienced judges face off in a primary election for the Republican candidate. Since the Democrats have not put up a candidate, Judge Landgrebe will become the first judge of the Housatonic Probate Court.

Folks in New Fairfield, Sherman and Brookfield may be starting to understand that the consolidated system means a more formal court with a judge who does not necessarily know you or your family.

Because of the sheer size of the court, the proceedings will be more formal and will follow the rules of civil procedure unlike the former informality of the local town courts.

Probate Judges make decisions about adoption and other child care issues, conservatorships, estates, and guardianships for developmentally disabled. All courts will now be open 40 hours a week and newly elected judges must now be licensed attorneys.

### ASK BARBARA

**Question:** My kids want me to do a Living Trust so that I can protect my assets. Will this really make my assets “disappear” in case I need a nursing home?

**Answer:** There are many kinds of “Living

Trusts” but the most common one—a revocable living trust” does not offer any asset protection at all. In order for assets to “disappear,” they truly must be beyond your reach—you give up total control and right to them—something that is not a good idea for most people.