

LEGAL-EASE

Legal Writing You Can Understand

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Fall 2011

Volume 8, Issue 2

A Tribute to Aunt Thelma

Is life the journey or the destination? I'm a very goal-oriented person and have a tendency to think of life as a series of goals or things I want to do, experience or accomplish. But, I'm continually reminded that actually, life is the journey—it is about the experiences along the road and not the destination or goal. As life unfolds, this point is driven home again and again.

Like many baby boomers, I've experienced the loss of both parents and have recently assumed being a member of the oldest generation in my extended family. My father had 2 brothers and a "baby" sister (15 years younger than him) and my mother was one of five sisters. My dad's sister Aunt Thelma and my mom's baby sister, Aunt Coopie (actually Dorothy but dubbed "Coopie" by my mother who couldn't say Dorothy) were the last 2 remaining. Each year, I usually travel to Ohio in August to visit with them and their families.

This year as plans were being made, I seriously considered not going. Other obligations had taken me away from the office quite a bit and spending an additional 2 days out, plus the cost of airfare, hotel and other related expenses caused me to question whether to take my yearly trip.

I knew, however, that Aunt Thelma would have her 90th birthday in November and Aunt Coopie would be 88 in September. How many more chances would I have to spend time with them?

When the day came, I arrived at the airport only to discover that my flight had been

canceled. At that point, I again seriously contemplated just going back home and forgetting this trip. But my sister offered to wait in Pittsburgh to meet the later flight arriving at 5:00 so I agreed to keep going.

We had a wonderful weekend in Youngstown with Aunt Coopie, and Aunt Thelma came from Bowling Green to spend Friday evening and Saturday with us. I was thrilled that my aunts had not seemed to change at all from the last several years. Both were alert and active, seeming much younger than their actual years. Our family all caught up with each other and reminisced about earlier times.

I was particularly close to Aunt Thelma. We shared many common traits, not the least of which was our competitiveness and



stubbornness. As a child, I spent many happy vacation weeks at her house and we played cutthroat games of Jacks and various card games. Neither of us liked to lose. We stopped only when we had to make dinner for her husband and son.

On Sunday, my trip home was uneventful, but that evening, I received a call from Aunt Thelma's grandson with the shocking news that she had died that afternoon. The smiling vibrant person that I had so recently kissed goodbye was gone! You can surely imagine how thankful I felt that I had taken the trip and spent such a wonderful time with her.

So, Aunt Thelma, you remind me again, of the importance of family, of the need to tell your family how much you love them, of the benefits of having your priorities in order and not putting off the truly valuable things.

I wish the story could end here, but there's one final post script I feel compelled to add. Aunt Thelma had not updated her Will for many years.

There had been estrangements within the family – and you guessed it, the Will did not provide for the one who had been with her and given her such happiness throughout her lifetime and especially in the last several years. Please don't make Aunt Thelma's mistake. Make sure your documents are current and reflect your wishes – don't put it off!

The Yellow Dot and File of Life Programs

I recently had the privilege of attending the New Milford Triad For Senior Safety chartering ceremony at New Milford High School. Triad is a partnership of law enforcement, business associations and the senior populace dedicated to protecting the safety and welfare of Seniors in the community. Attorney General George Jepsen granted the Charter on behalf of the State which was accepted by Mayor Murphy.

One of the programs introduced by Triad is called the File of Life Program. This involves the Senior completing a form which provides medical and emergency contact information, to place in a magnetic pouch to hang on the refrigerator. All emergency responders in New Milford know to look for this information and it could be a

lifesaver in a medical emergency.

The Yellow Dot program sponsored by Peoples Bank, extends the File of Life to your car. You keep the File of Life form in your glove compartment and a yellow dot decal is affixed to your rear window which alerts emergency responders that you have vital medical and emergency contact information in your car.

To obtain these items, please visit the New Milford Senior Center or stop by my office. At least 16 other towns in Connecticut have this program—does yours?

Visit Our Newly Updated Website

We're very excited about our revised Website! Visit

www.barbarareynoldslaw.com to learn about our attorneys and staff, read past



newsletters and newspaper articles and find out about upcoming seminars!

Need a Speaker for your Group?

Barbara continues to be available to speak to your group or organization without charge. Attendees are eligible for a free initial consultation offered at each seminar.

Please do not hesitate to call our office at 860-350-0055 to arrange an educational and informative presentation by Barbara.

Upcoming Seminars

Our fall seminar schedule is still in the planning stages. Barbara will be speaking in Litchfield on a panel with Probate Judge Diane Blick, geriatric care manager, Aniela Salamacha and the Northwest VNA to present a program for those of you in the "Sandwich Generation." We'll address what kind of help is available for those of you trying to care for elderly parents or ill spouses, as well as what you need to put in place so that your children are not caught off guard and burdened by caring for you!

In a similar vein, Barbara will be joining Birgitta Stone, a long term care insurance specialist and Barbara McMahon, a financial planner in a seminar to address the best planning tools for baby boomers, from a legal and financial perspective. Location will be Danbury/Ridgefield area.

Barbara has spoken a number of times with Probate Judge Marty Landgrebe about estate planning and probate issues, each giving his/her respective viewpoints. They are also planning a seminar in New Milford with Ms. Salamacha.

Please call Linda at 860-350-0055 or visit our website for more information as it becomes available.

On the Lighter Side: An elderly gentleman had serious hearing problems for a number of years. He went to the doctor and the doctor was able to have him fitted for a set of hearing aids that allowed the gentleman to hear 100%. The elderly gentleman went back in a month to the doctor and the doctor said, "Your hearing is perfect. Your family must be really pleased that you can hear again." The gentleman replied, "Oh, I haven't told my family yet. I just sit and listen to the conversations. I've changed my Will three times!"

So You Think You're a Florida Resident?

At a recent seminar Judge Landgrebe and I presented in Sherman, there were several questions from attendees who owned property in more than one State concerning where their principal residence was. This may seem like a straightforward question, but it can actually be quite complicated. It is important to understand the legal and tax consequences of such a decision.

Clients sometimes inform me that they changed their residence to Florida so they could take advantage of the homestead exemption and lower taxes on their Florida property. But this could actually lead to an increase in capital gains tax if they ultimately need to or wish to sell their Connecticut residence. You only have an exclusion from capital gains upon the sale of your principal residence. If you have been claiming yourself as a Florida

resident, the IRS will be looking carefully at your gain on the sale of the Connecticut property and ready to tax it at the capital gain rate. This could more than erase any savings you may have experienced on your Florida property tax through the homestead exemption.

Furthermore, the issue of one's legal residence is not as straightforward as it seems. Judge Landgrebe noted that this is not an issue that is determined by the court but rather by the Connecticut Department of Revenue Services and according to him there are only three individuals who work in that department.

Spending more than 6 months in another state alone does not establish residency. In fact, many states require an affidavit in order to establish domicile and that document is very detailed and looks at a five-year period. So the moral of this story is that you really should consult with an attorney before you decide to change your residency.

Biggest Celebrity Estate Planning Mistakes

Yes, the rich seem different but, in fact, they share some common characteristics with the rest of us. It never ceases to amaze me when I see how some just plain failed to plan for the unexpected. It clearly wasn't for lack of funds but rather for more typical pervasive reasons—believing there will always be tomorrow, not wanting to make hard choices, not wanting to face the fact of their own mortality, to name just a few of the reasons people procrastinate. Here are some of the biggest blunders:

1. **Not following through:** Michael Jackson created a family trust which avoids the need for Probate and the prying eyes of the press. But guess what? He didn't fund it – he didn't transfer his assets into the trust during his lifetime. Therefore, when he died unexpectedly (which, incidentally is how many do), his entire estate had to be probated and the entire world knew the family's dirty laundry as well as the scope of his assets.
2. **Not updating after major life event or having alternate beneficiaries:** Anna Nicole Smith never updated her Will after the death of her son (her only named beneficiary) or after the birth of her second child. In fact, her Will specifically excluded any afterborn children! Therefore, we all remember the huge battle over who would have custody of the child as well as Ms. Smith's sizeable estate. Ms. Smith's daughter will ultimately have full control of the fortune when she reaches the age of majority – either 18 or 21 depending upon the State's law.
3. **Not preparing for distribution to minor child:** Heath Ledger never updated his Will after the birth of his daughter – age 3 at the time of his death. Unfortunately, with no appropriate provisions for her, family fighting emerged. Furthermore, his daughter will obtain control of her entire inheritance, including his posthumous Oscar, at the age of 18.
4. **Choosing the wrong Executor:** Doris Duke chose her butler to manage her billion dollar foundation. He stole from the foundation and the charities had to spend the money intended to benefit their purposes to have him removed.
5. **Not having a Will at all:** Jimi Hendrix died without a Will. His entire estate went to his father who eventually left it to his adopted daughter, with nothing to Hendrix's actual half-brother.

So, guess who got it right? Amy Winehouse! Because she had made a new Will after her divorce, her parents - rather than her ex-husband - inherited her entire estate!

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Ask Barbara



Question: My daughter is heading off to college. Does she need any legal documents in place?

Answer: Yes, if your daughter is over age 18, she should sign a Health Care Directive which includes a "HIPAA" release. "HIPAA" the privacy act which precludes doctors and hospitals from releasing any adult patient information without his or her consent. If your daughter became ill or had an accident and were unable to give consent, you may not be informed of her condition without this document. Whether your young adult children are in high school, in college, in the military or other employment, please urge them to sign Health Care Directives and Durable Powers of Attorney so that you could provide legal assistance in an emergency.