

Compliments of



Kentucky Telephone: (606) 324-5516  
North Carolina Telephone: (704) 944-3245  
[www.potterestateplanning.com](http://www.potterestateplanning.com)

# 15 COMMON REASONS TO DO ESTATE PLANNING





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## ABOUT THE FIRM

**THE POTTER LAW FIRM** is devoted exclusively to estate planning and elder law. We are members of the American Academy of Estate Planning Attorneys. We offer quality guidance and advice to our clients in every area of estate planning.

If you have a well-drafted estate plan in place, you'll ensure that your estate passes to whom you want, when you want, and is carried out in the manner you've chosen. You can rest assured that your family won't have to endure the public process and costly matter of probate. You need to be aware of the many options that exist in estate planning—and choose your attorney wisely.

We provide comprehensive, tailored estate planning services to meet all of our clients' needs. Below is a sampling of the type of services we offer. If you have questions about any of our services, please do not hesitate to contact us at **(704) 944-3245 (NC) or (606) 324-5516 (KY)**.

**Wills.** Prepare a Will or other document to outline your wishes.

**Revocable Living Trust.** Prepare comprehensive, customized plans according to your needs.

**Special Needs and Divorce Protection.** Protect loved ones and get informed advice on these important estate planning issues.

**Asset Protection.** Receive guidance on protecting your legacy.

**Retirement Planning.** Ensure that your tax-deferred accounts are properly structured to give your family the greatest tax advantages possible.

**Long-Term Health Care.** Make sure you have properly outlined necessary health care instructions.

**Creditor Protection.** Find out how you can protect your estate and your heirs.

**Structured Buy-Out Plans.** The plan you create for your children to sell or distribute land and assets.

**Trust Administration.** Distributing your estate after the first and second spouses pass away according to the way your Trust dictates.

**Advanced Planning.** Get assistance with matters such as Family Limited Partnerships, Irrevocable Life Insurance Trusts, Charitable Remainder Trusts and Business Succession Planning.

**Probate Assistance.** Get the assistance you need when someone with or without a Will passes away.

**Updating Documents.** Ensure that your affairs are in order with regular estate reviews. Amend or restate your existing estate plan to ensure its effectiveness.

**Tax Planning.** Preserve your wealth and reduce taxes with proper planning

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## CONTACT US



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## WHY CREATE AN ESTATE PLAN?

You don't have to be a millionaire to benefit from an estate plan. Reasons to create an estate plan are as unique as the individuals who create them. If you own a home, have minor children and/or grandchildren, grown children in their own marriages, have been divorced, own a business, or expect to receive an inheritance of your own, you need to take action now.

Here are the common reasons you need to not only build and protect your hard-earned money, but transfer it with as little depletion and expense as possible. With a proper estate plan in place, you can plan ahead to:

- 1.** Designate who will manage your affairs if you become disabled and when you pass away. If you fail to do so, the court will decide for you. You never know who the court will appoint. Keep control of your own destiny!
- 2.** Plan for Medicaid and its impact on your estate if you must go into a nursing home. Nursing homes today can cost as much as \$90,000 per year or more, and a long-term stay can easily impoverish all but the wealthiest families. With proper planning, however, you can shelter assets and keep your family's wealth intact. Because there is a 50-50 chance that the average adult will spend at least one year in a long-term care facility, it becomes painfully clear this type of planning is extremely important
- 3.** Avoid probate, during your lifetime and when you pass away. Do you want the court controlling you or your assets? Probate proceedings are public, expensive, time-consuming and should be avoided whenever possible. Leave your money to your heirs quickly, privately and efficiently by establishing a proper estate plan.
- 4.** Protect children from a prior marriage if you pass away first. Second marriage planning can be complex and tricky. Expert legal guidance is needed to ensure your assets are preserved and your children of your first marriage will receive the proper share of their inheritance.
- 5.** Protect assets inherited by your heirs from lawsuits, divorces and other claims. Make sure your assets are inherited by your loved ones, not the people you don't want to receive them, such as their ex-spouses, in-laws, creditors or the IRS.
- 6.** Impose discipline upon children and/or grandchildren who may not be capable or experienced in managing money. Make sure your children and/or grandchildren spend their inheritance wisely. Protect their inheritance against inexperience and mismanagement by including specific conditions and rewards in your estate plan.

- 7.** Provide for special needs children and grandchildren. The loss of governmental benefits can wipe out your estate. Special considerations and planning is needed to avoid the loss of governmental benefits.
- 8.** Insure that a specific portion of your estate actually gets to grandchildren, charities, etc. Without planning, the state will decide who inherits your assets... NOT YOU! Planning your estate ensures your intentions and directions are followed.
- 9.** Protect a portion of your estate if you pass away first and your surviving spouse remarries. Special Trusts can be set up to protect your current surviving spouse and insure that your assets don't end up in the wrong hands. Take action now to protect your family.
- 10.** Address different needs of different children. No two children are alike. Customized estate planning can assure that each child's personal needs are addressed in the manner you deem best.
- 11.** Prevent or discourage challenges to your estate plan. Establishing a Revocable Living Trust now makes it more difficult for objections when you are no longer around to speak for yourself.
- 12.** Encourage and reward heirs who make smart life decisions, and prevent the depletion of your estate from those who do not. There can be a point at which giving a child more money can make them less productive and less happy. A Family Incentive Trust can be tailored with financial incentives which encompass your family values and goals to encourage and motivate your children. Such a trust can be a loving way to support your children while inspiring them to be productive members of society and fostering their sense of self-worth.
- 13.** Assure an education for children, or grandchildren, despite what they (or their parents) dream of doing with the inheritance. Establishing an Educational Trust can assure that your children and/or grandchildren use their inheritance for education and not fund a vacation in Las Vegas.
- 14.** Plan for a "Brady-Bunch" family estate plan and assure the step-parent doesn't spend your children's inheritance and/or provide for a spouse without sacrificing the intended legacy for children of a prior marriage. Divorce and second marriages can have devastating effects on the inheritance you intend for your children, if your estate plan is not reviewed and updated. Often times, the original "traditional" estate plan will not meet the needs or provide the protection needed for your new blended family, so proper planning is imperative.
- 15.** Pursue charitable goals you may not otherwise feel you can afford. Considerably cutting probate expenses allows you to also leave a legacy to a charitable organization you admire.

## ABOUT THE ACADEMY

This report reflects the opinion of the American Academy of Estate Planning Attorneys. It is based on our understanding of national trends and procedures, and is intended only as a simple overview of the basic estate planning issues. We

recommend you do not base your own estate planning on the contents of this Academy Report alone. Review your estate planning goals with a qualified estate planning attorney.



The Academy is a national organization dedicated to promoting excellence in estate planning by providing its exclusive Membership of attorneys with up-to-date research on estate and tax planning, educational materials, and other important resources to empower them to provide superior estate planning services.

The Academy expects Members to have at least 36 hours of legal education each year specifically in estate, tax, probate and/or elder law subjects. To ensure this goal is met, the Academy provides over 40 hours of continuing legal education each year. The Academy has also been recognized as a consumer legal source by *Money Magazine*, *Consumer Reports Money Adviser* and Suze Orman in her book, *9 Steps to Financial Freedom*.

## ADDITIONAL REPORTS

Request any reports of interest to you or your family. Simply call our office at **(704) 944-3245 (NC)** or **(606) 324-5516 (KY)** or visit our website at **[www.PotterEstatePlanning.com](http://www.PotterEstatePlanning.com)**.

- 7 Things to Know Before You Choose A Nursing Home
- A Family Guide on Medicaid Planning: What It Is, How It Works, and Why You Need a Plan
- A Nursing Home Resident's Rights: Ensuring You Get the Care You Deserve
- A Special Child Needs Special Planning
- Aid & Attendance: Special Care Pensions Wartime Veterans
- Are Your Bank Accounts Safe? FDIC Insurance Can Cover You – With the Right Planning
- Asset Protection: Reducing Risk, Promoting Peace of Mind
- Beware of Living Trust Scare Tactics
- Charity Begins at Home: The Charitable Remainder Trust
- Creating a Lasting Legacy: The Best Things in Life Aren't Things
- Dangers of Do-It-Yourself Wills and Living Trusts
- Estate Planning Basics For Families with Young Children
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- Family Wealth Trust: Calculating the Benefits
- Funeral Planning: Options for You and Your Family
- Getting the Most Out of Your Life Insurance: The Irrevocable Life Insurance Trust
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- Keeping Up with the Ever Changing Estate Tax
- Living Trusts: Calculating the Benefits
- Living with ALS: A Legal and Financial Resource Guide
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- Paying for Nursing Home care: A Guide to Medicaid Planning
- Peace of Mind: Planning for All Of Life's Contingencies
- Plan Today for a Secure Tomorrow: The Benefits of Medicaid Planning with An Income-Only Trust
- Planning It Right The Second Time Around
- Probate: A Process, Not a Problem
- Probate: An Executor's Role and Responsibilities
- Protecting Your Assets with the Family Limited Partnership
- Protecting Your Assets with the Limited Liability Company
- Putting on the Brakes: How To Help Older Drivers Make Safe Driving Decisions
- Should You Trust Your Estate Plan – Estate Plan Reviews Ensure Protection for Your Family and Assets
- Special Valuation Benefits for Farms and Other Business Real Property
- The Impact of Divorce on Your Estate Plan
- The Nightmare of Living Probate
- The Trouble with Joint Tenancy
- To My Dog Lucky I Leave \$10,000
- Trust Administration: Prior Planning Prevents Problems
- What Every Senior Should Know About Probate
- Where There's a Will, There's Probate
- Your Life, Your Final Say