

VOLUME 4 ISSUE 9

ESTATE PLANNING & ASSET PROTECTION



SEPTEMBER 2013 FOOTBALL IS BACK EDITION

SETTLING FOR "3" VERSUS GOING FOR "7": WILLS VS TRUSTS

While a Last Will & Testament is a necessary component of a winning succession game plan, it's difficult to achieve victory without a Revocable Living Trust.

NO TIME TO TAKE A KNEE

Estate Planning is never just "set it and forget it." No matter what the scoreboard says, it is always important to have your estate plan reviewed by an estate planning attorney every three to five years.

THE BEST OFFENSE IS A GREAT DEFENSE

Asset Protection Planning isn't only for professional athletes. If you have something to lose, you should take some time to learn how to protect it.



WFP

WEALTH FAMILY PROTECTION
Attorneys at Law

WHEN LEGACY MATTERS

At Wild Felice & Partners, we implement estate planning and wealth transfer techniques such as the use of Florida Revocable Trusts and Irrevocable Trusts, Family Limited Partnerships, Limited Liability Companies and other advanced estate planning tools to help our clients avoid probate and limit or eliminate estate tax burdens on family members. We realize that each client is unique and every plan is tailored accordingly to every individual need. Our firm aims to shed the tax attorney paradigm and focus instead on the dynamic relationships between our clients and their loved ones. WFP Law realizes that estate planning is truly for the loved ones that we leave behind.

It's a Wild world. Are you protected?



*Protecting What You Value Most Through
Estate Planning and Asset Protection*

PROVIDING SOLUTIONS THAT SECURE AND ENHANCE YOUR WEALTH AND YOUR LEGACY

Everyone understands the benefits of having insurance to protect your assets from unanticipated events. Hazard and casualty insurance is necessary to provide protection from the risks of fire, floods, and wind damage. Liability insurance is necessary to provide protection from the risks of auto accidents and personal injury. But what can you do to protect your assets from claims in excess of your insurance or from risks of lawsuits or from unexpected business liabilities or from an overabundance of tax consequences? Fortunately having an asset protection plan in place can help insulate you from these potentially significant risks.

We believe in providing you with effective solutions so that you can have confidence that your assets and your legacy are protected. An effective asset protection plan needs to be in place before a lawsuit or claim is made against you, and well in advance of your retirement or death, so it is important to take the step toward greater protection today.

WFP Law is a full-service, Fort Lauderdale, Florida based law firm with a specialty in asset protection. We utilize a combination of estate planning, real estate law, corporate formation, family law, and asset structuring to assure that our clients are protected from potential litigation, creditors, and any other threats that may be looming. A properly designed asset protection plan can accomplish many of your most important objectives:

- Protection of family savings and investments from lawsuits and claims.
- Protection against inadequate or unavailable insurance coverage.
- Insulation of rental properties reducing your exposure to potential lawsuits.
- Protection of business assets and accounts receivable from potential claims.
- Elimination of probate.
- Reduction of estate taxes.

It's a Wild world. Are you protected?



Settling for "3" Instead of Going for "7" Wills vs. Trusts

Every American should have an estate plan in place but the need for comprehensive estate planning is even greater when you have children.

Each game plan is incorporated as a means of constructing a distinct strategic advantage. The same is true for wealth management and asset protection plans. While a Last Will & Testament is an essential component of any winning game plan, it is often necessary to tackle your goals with the incorporation of a Living Trust. Look to the following game plans to determine which supplies the best strategic advantages for your asset protection goals.

Will & Last Testament Game plan: Control of Your Assets

A Will is crucial in any estate plan. This is the document that will be used to determine your intent regarding the distribution of your property. Thus, without it, all of your assets will be distributed according to State statute, which may be a departure from your own personal wishes. Furthermore, if you have any minor children, you can designate a legal guardian, thereby communicating your wishes to the court when the time comes for a guardian to be appointed. As you can see, this is the foundation of your game plan.

Will Coupled with Trust Game Plan: Control & Protection of Your Assets

This game plan combines your testamentary wishes with further protection by having the Will pour-over into a Trust. The will coupled with a trust effectively

bypasses probate, which is the validation of the will -- a process that is often incredibly time consuming and often expensive. The pour-over will takes all of the property that passes through the will, and funnels it into the trust. Said property is then distributed to the trust beneficiaries pursuant to the terms of the trust. A pour-over will functions to ensure that all of the decedent's property is transferred to trust. Think of the pour-over will as a safety net that catches all of the assets that were not properly transferred into trust. All the contents of the net are then poured into the trust, ensuring that all of the property is ultimately distributed through the living trust. Furthermore, all of the decedent's property is distributed by the terms of one document alone (the trust), allowing for simplicity and clarity.

You need a Last Will & Testament in every winning succession game plan; however, combining it with a Living Trust may be one of your most important strategic advantages!

It's a Wild world. Are you protected?

No Time To Take A Knee

Estate Planning is never just “set it and forget it.” No matter what the scoreboard says, it is always important to have your estate plan reviewed by an estate planning attorney every three to five years.

Even when you are halfway through the game, and in the lead, you would never just take a knee and rely on your winning position. This applies in estate planning as well, because even when you are prepared and in a winning position, you have to keep up with the game in order to ensure your “win.” There are a variety of life events that can create a need for new strategies, which is why it is so important to have your estate plan reviewed to ensure that your game plan is still effective. There is no specific time for when you need to have your estate plan reviewed, but generally every three to five years is sufficient. However, if there is any particular life event that takes place that will effect your relationships or distributions, you may want to have your plan reviewed for alterations. Such life events include the following:

Marriage & Divorce: if you have recently married or divorced, you will want to take your current estate plan to your attorney to determine whether these life events are addressed in the documents. Furthermore, you may want to change your Personal Representative, Trustee’s, Guardian’s, etc.

Children: Sometimes your Will & Last Testament will provide for after-born children, but you should take the document to your estate-planning attorney to ensure that your little bundle of joy is provided for. Additionally, you may want to set up a trust, a 529-college plan, alter beneficiary designations in your will, and nominate a legal guardian.

Estate Size Increase: You want to make certain that your estate plans are tailored to your estate size. Therefore, when your estate increases, you may want to make some changes in terms of tax and estate planning. Furthermore, if you have an estate plan that is set up to avoid probate, and acquire new property, you will want to assign that property to your living trust. You also may want to consider a variety of estate planning strategies, anywhere from setting up an LLC to protect certain assets from lawsuits, to reducing the size of your estate for tax purposes.

If you have experienced any similar changes since creating an estate plan, or it has been 3 to 5 years since it has been reviewed, don’t take a knee – regroup & strategize with the help of your estate-planning attorney! It’s a Wild world. Are you still protected?



The Best Offense Is a Great Defense

Asset Protection Planning isn’t only for professional athletes. If you have something to lose, you should take some time to learn how to protect it. Use the following Question Prompts to determine if estate planning is your best defensive strategy.

1st Q: Do you have air in your lungs?

☒ **Yes** → you can benefit from the following:

Durable Power of Attorney - this document allows you to designate someone to step in your shoes and make decisions for your benefit, in any occasion that you cannot. This can be as simple as having someone sign documents on your behalf, to managing your business and money if you become incapacitated. You maintain control by designating someone who you trust, who is then legally bound to act according to your wishes.

Combination Living Will & Designation of Health Care Surrogate - a living will allows you to make advanced decisions for life-prolonging procedures, in the event that you are incapacitated. A health care surrogate can be designated to make medical decisions on your behalf, when you cannot. These documents ensure that your wishes will be followed regarding your healthcare, allowing you to maintain control when you otherwise would not be able to.

☒ **No** → Game over. You lose.

2nd Q: Do you have children & Loved Ones?

☒ **Yes** → you can benefit from the following:

Guardianship - it is important to consider and appoint a primary guardian - the individual who will have custody of your minor children. This way, the court will not appoint a guardian for your child that you do not approve of, and you can be certain that your child’s interests are protected. It is important to have a **will** in place to appoint this guardian.

Pour Over Will & Trust –

- » **Children:** In the case of a minor, these documents are very important in protecting your assets, while providing for your minor children. You may not want your children to receive your assets right out. Rather, you can use a pour-over will to funnel all of your assets into a trust, appoint a trustee, and rest assured that your assets are being managed and distributed appropriately.
- » **Family/Friends:** Whether you have a big crazy group of friends or a family that just doesn’t get along, relationships are very important in determining your estate plan. You may want to strategize to determine that your valuable assets go to the right person(s), or that it isn’t torn apart in a family/friend feud. When you simply do not have a **will** in place, this can lead to a lot of issues in the family; or say, that girlfriend you’ve had for 7 years, or maybe the cousin that you are closer to than your own brother. All of these relationship dynamics need to be considered, to make sure that your loved ones are taken care of.

☒ **No** → Don’t give up! Things can turn around as long as the game isn’t over, right?

3rd Q: Do you own any of the following: (a) home; (b) vehicle; (c) bank accounts; (d) digital assets (Facebook, e-mail, etc.); (e) a pet (f) personal belongings (e.g. jewelry, baseball card collection, etc.)

☒ **Yes** → You can benefit from a will &/or a trust. If you do not have a will in place, all of your belongings will be distributed according to state statute. You can make specific bequests to ensure that each item you own is given to your desired beneficiary. Furthermore, if you want to prevent your family from going through the grief and expense associated with probate, you can use the pour-over will/trust strategy used in the Second Question.

☒ **No** → Don’t worry about it, & just focus on the positive – you answered the first question successfully!



A LITTLE FABLE AT THE COUNCIL TABLE



IN THE NEXT ISSUE:

TRICK OR TREAT EDITION

ESTATE PLANNING HORROR STORIES

This Halloween, learn the techniques to avoid your own estate planning horror story!

TRICK OR TRUST

Don't get tricked into probate – incorporate a Living Trust into your plan to avoid the ghosts and goblins of the Estate-Planning world!

COSTUMES THAT COVER YOUR ASSETS

Explore the variety of estate planning costumes that are styled particularly to fit your assets!

THE TREES & THE AXE

A Man came into a forest, and made a petition to the Trees to provide him a handle for his axe. The Trees consented to his request, and gave him a young ash-tree. No soon had the man fitted from it a new handle to his axe, than he began to use it, and quickly felled with his strokes the noblest giants of the forest. An old oak, lamenting when too late the destruction of his companions, said to a neighboring cedar: "The first step has lost us all. If we had not given up the rights of the ash, we might yet have retained our own privileges & have stood for ages."

In yielding the rights of others, we may endanger our own

Do not endanger your assets to the rights of others; protect them through estate planning!

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Michael D. Wild is a Florida attorney specializing in the areas of estate planning and asset protection. For more information on successful Florida estate planning and asset protection techniques, please contact the South Florida law firm of WFP Law at 954-944-2855 or via email at info@wfplaw.com to schedule your free consultation.

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