



October, 2011

Elder Law Today

Writing A Do-It-Yourself Will (And Other Legal Documents)

There have been many advertisements for web sites where you can write your own Will and other Legal documents. Citing the fact that basic estate plans may run from \$500 to \$1,000, some people are choosing to go online to prepare those documents because it is cheaper. This is often penny wise but pound foolish. Estate planning isn't something most people do for themselves rather it is something you do for those you love. After all, it's your loved ones who will have to deal with consequences of your decisions. Estate planning isn't just about documents and it is not just about death planning. Estate planning is about developing a relationship with a Personal Family Lawyer™ who can be there for your family to guide them through a difficult time. This will often save them money, time and heart ache. It is one of the most important gifts you can give them.

For our Firm, estate planning is about developing a lifetime relationship with our clients. We custom craft documents to assist you and your family. Estate planning documents should not be done and then put up on a shelf and forgotten until you die. Life changes and we want you to have the peace of mind knowing that your documents work for you when you need them too. We meet with our clients for free at least every three years to check in and see if anything needs to be updated or changes. We charge for the changes but not for the consult. Often we find clients don't need new documents but are glad to be reminded of what they did and why they did it.

One website starts you off with a questionnaire, but then has a non-lawyer "specialist," who cannot give legal advice, "review your answers"! A U.S. News & World Report (U.S. News & World Report, December 24, 2007) article states: "Each state has different rules for wills, so any legitimate form or service must be tailored to your state." Do you want to guess whether or not the website you turned to is "legitimate"? Believe us when we tell you we have seen many documents, particularly Durable Powers of Attorneys that supposedly were suitable for Massachusetts, but in fact were totally inappropriate. The article goes on to say "Most experts agree that do-it-yourself Wills are best suited for people worth less than \$2 million, the current threshold for triggering estate taxes." Not so! \$5 million is the threshold for federal estate taxes, a Massachusetts estate of \$1 million triggers an estate tax, and requires tax planning. Furthermore, if you are concerned about protecting your assets from having to be spent on nursing home care during your life time or protecting your assets from your children's creditors after your death a do-it-yourself will won't meet your needs.

The U.S. World News Report says "You don't want to have the witnesses be people who will inherit under the will.". What it does not say, and what often happens, is that relatives of those who inherit under the Will should not be witnesses to the Will. This leaves the door wide open for someone to contest the Will by charging of undue influence and duress.

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Totally independent witnesses are an absolute necessity. The article goes on to warn that the Will should be put in a safe place, and suggests a fireproof box at home. Left unanswered is what happens should a disgruntled heir come across that fireproof box! What the article does state correctly is that real life situations don't always fit into a fill-in-the-blank online will. Do you want to entrust the future of your family to a \$19.95 online Will? Surprenant & Beneski, P.C. charges \$500 for an initial estate planning consultation. However, if this consultation fee will be waived if reference this article. **For your appoint please call 508-994-5200 or call for our Free Report "25 Ways You Can Mess Up Your Estate Plan"**

This information is for general informational purposes only and does not constitute legal advice. For specific questions you should consult a qualified attorney. This article was written by Attorney Michelle D. Beneski of Surprenant & Beneski, P.C. The law firm is located in New Bedford and specializes in estate tax, Medicaid and disability planning.

"Twenty years from now you will be more disappointed by the things that you didn't do than by the ones you did do. So throw off the bowlines. Sail away from the safe harbor. Catch the trade winds in your sails. Explore. Dream. Discover."

~Mark Twain

Did you know that your organization can sponsor one of our Estate Planning workshops for FREE?

If you have the space, one of our attorneys can speak to your group or organization about:

- Division of Assets
- Powers of Attorney
- Special Needs Planning
- Medicaid Planning
- Health Care Proxies
- Veteran Benefits

Call Maria Lawton at 508-717-2754 to set up a date & time!

Mark Your Calendars For These Upcoming Events in October!

Estate Planning 101 presentations! Call 1-800-929-0491 to reserve your seat! You can also register by going on-line to: www.myfamilyestateplanning.com

Is it Time to get your Ducks in a Row?

Tuesday, October 4th (code: Hyannis) 6:30pm-8:00pm

The Cape Codder, 1225 Iyannough Road, Hyannis, MA 02601

Thursday, October 13th (code: Autumn Glen) 6:30pm-8:00pm

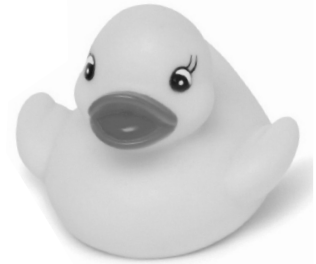
Autumn Glen Assisted Living, 239 Cross Road, North Dartmouth, MA 02747

Thursday, October 20th (code: OLH) 6:30pm-8:00pm)

Our Lady's Haven Nursing Home, 71 Center Street, Fairhaven, MA 02740

Thursday, October 27, (code: Brockton) 6:30pm-8:00pm

Holiday Inn Taunton, 700 Myles Standish Blvd, Taunton, Ma 02780



Here's What You'll Learn...

- How living trusts avoid probate, why wills don't and what good trust planning costs.
- How your Healthcare Proxy, Living Will and the new HIPAA release must work together.
- How to avoid death taxes, guarantee IRA stretch outs and plan for disabled kids or grandkids.
- How to "bulletproof" your children's and grandchildren's inheritances from their divorces, debts, lawsuits, medical expenses, irresponsible life styles and transfers out of your bloodline.
- How to protect your home and savings from \$8,300/month nursing home bills and Medicaid without buying long-term care insurance – even if you or a loved one is in a nursing home now.
- How qualified veterans and their spouses can get up to \$1949/month for at-home health care or assisted living costs from a little-known VA benefit for non-service connected disabilities.

**SouthCoast Senior Resource Association
presents**

“Alzheimer's/Dementia Issues and Behavioral Management”

Featured Speaker

Ricardo Barrera, Ph.D.

Dr. Barrera is the Director of Neurobehavioral Services at New Bedford Rehabilitation Hospital

Guest Speaker: Peter W. Ham, M.A., L.M.H.C.



- **When:** Monday, October 17, 2011
- **Where:** Atria Assisted Living of Fairhaven
391 Alden Road
Fairhaven, MA 02719
- **Time:** 5:00 – 6:30 PM (Registration at 4:30 PM)

Call **508-994-9238** to Pre-register

****Light Refreshment Served****

*****Great Raffle Prizes*****

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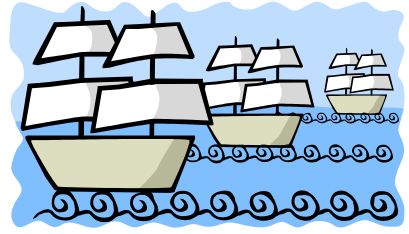
Surprenant & Beneski, P.C.
Estate, Tax, Medicaid and Special Needs Planning

Thank YOU
for recognizing our efforts by sending your
friends & family!

Alice Rebello
Msgr. Thomas Harrington
Atty. Claudine Cloutier
Bridgewater Saving Bank
William & Charlotte Wilson

Kathleen Beneson
Anna Maylaw
Peter Cushings
Wareham COA

We invest 100% of our time & energy to delivering
first-class service to our clients.
As a result, our valued clients, partners, & friends refer their
family, clients, friends & associates to us.
We build strong, lifelong relationships,
one person at a time!



Please note that our office will be
closed on Monday, October 10th
for Columbus Day.

We will reopen
Tuesday, October 11th at 9:00am.

We hope everyone enjoys
the long weekend!!



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