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Frequently Asked Questions (FAQ)

What you might be saying →

I want to control my property while I am alive and well, take care of me and my loved ones if I become disabled, and then give what I want to have, to whom I want, when I want, and the way I want, all at the lowest possible cost to me and those I love.

What you need → An estate plan. Integrative Legal can help.

#1 DO I NEED AN ESTATE PLAN?

Everyone needs an estate plan and should execute a will. However, not everyone needs a trust. The decision is a personal one and depends on more than the potential size of an estate. Consider the following 8 key questions:

- Are there young children involved? Who will be their guardian? Assets that have a beneficiary designation can be left directly, but do you want your kids to receive a large amount of money at 18? Do you want their spouses to get half if they get divorced?
- How large is the estate, and which state is it in? If you have more than \$1M in your name when you die, you will have to pay Massachusetts estate taxes.
- Is privacy important? Do you care if your relatives know all the details? Do you have a year to wait for the assets to be distributed by the probate court? Can you handle all the paperwork necessary, or will you have the money to pay a lawyer to help?
- Would you like some money to go to charities? There are strategies that can save you a considerable amount in estate taxes.
- If you own a business, have you thought about succession planning? Who could step in tomorrow and run day to day operations if you couldn't?
- What life stage are you in? Is estate planning becoming more important? Did you just turn 18? Perhaps you just had a baby and need to name a guardian, or just got divorced and want to protect your assets, or just retired and are starting to think about long term care, perhaps you are in your golden years and are thinking about what legacy you might be leaving.
- Are there special circumstances to consider (like blended families or disabilities)?
- Have you thought about how you will pay for a nursing home if necessary?

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#2 DO I NEED A TRUST?

- Big reason – in case you become incapacitated- your will won't kick in. It's a way to maintain the benefits of your assets and control over what happens to them. I like to think of the trust as a basket. You create that basket during your lifetime, then you put your assets into it. If something happens, you can easily pass that basket to your successor trustee for them to have control of the assets in the trust.
- If your heirs have many creditors, a trust can help protect their inheritance. A trust can also protect your children's inheritance from divorce, and ensure your assets go to your grandchildren rather than your child's spouse.
- If you own anything that isn't in a trust or that does not have a beneficiary designation, it will have to go through the probate court, which is long, public and there are additional fees.
- You can give it away during your life, but then you lose control over the assets. If you put assets into a trust, you control how and when they get them.
- If your estate is bigger than \$1M in Mass, you can save on taxes.
- It stays private- a will gets filed with the court, no one needs to see your trust.
- It allows you to control the money past your death- with a will you can only leave assets outright. With a trust, you can dictate when and how your assets are distributed.
- If you have minor children, leaving them assets in a will means they will get their inheritance when they turn 18, which isn't usually ideal. With a trust you can spread out the distributions and dictate the terms.

#3 WHEN DO YOU NEED TO UPDATE YOUR ESTATE PLAN?

- Have you married or divorced?
- Have your minor children become adults?
- Have you added another child to your family?
- Have you lost a family member?
- Have you relocated to a new state?
- Have your assets increased substantially since your plan was drafted??
- Was your trust drafted prior to 2011? There were major changes to the Massachusetts statutes regarding wills and trusts in 2011.
- Are you thinking about protecting assets from the costs of long-term care?
- Is your durable power of attorney more than seven years old? Some financial institutions will not accept older documents that have grown "stale."
- Do you have a child that is a creative spender or perhaps facing divorce?
- Have any of your named fiduciaries passed away?
- Have you purchased property in another state?

If you answered "yes" to any of these questions, **call us** today.