

# LIVING TRUST & ESTATE PLANNING



The Box With  
The Pretty Red Bow

Asset Protection of America | 702-897-9997

# Today's Agenda

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# Three Ways To Pass Your Estate To Your Heirs

## WITH A WILL



## WITHOUT A WILL



## WITH A LIVING TRUST



# What is “PROBATE?”

**Probate** is the judicial process whereby a will is “proved” in a court and accepted as a valid public document that is the true last testament of the deceased.

## **If you have a will**

Your loved ones could and will probably go through the terrible nightmare of probate.

## **If you do not have a will**

Your property is controlled and distributed by probate court according to State law.



# Different Levels of Probate

## SET-ASIDE

For estates that are valued less than \$100,000 in value. This is used for simple estates that has no creditors and can be distributed in a single court hearing. Costs can range from \$1,000 or more and can be completed in 30 – 90 days without any unforeseen circumstances.

## SUMMARY ADMINISTRATION

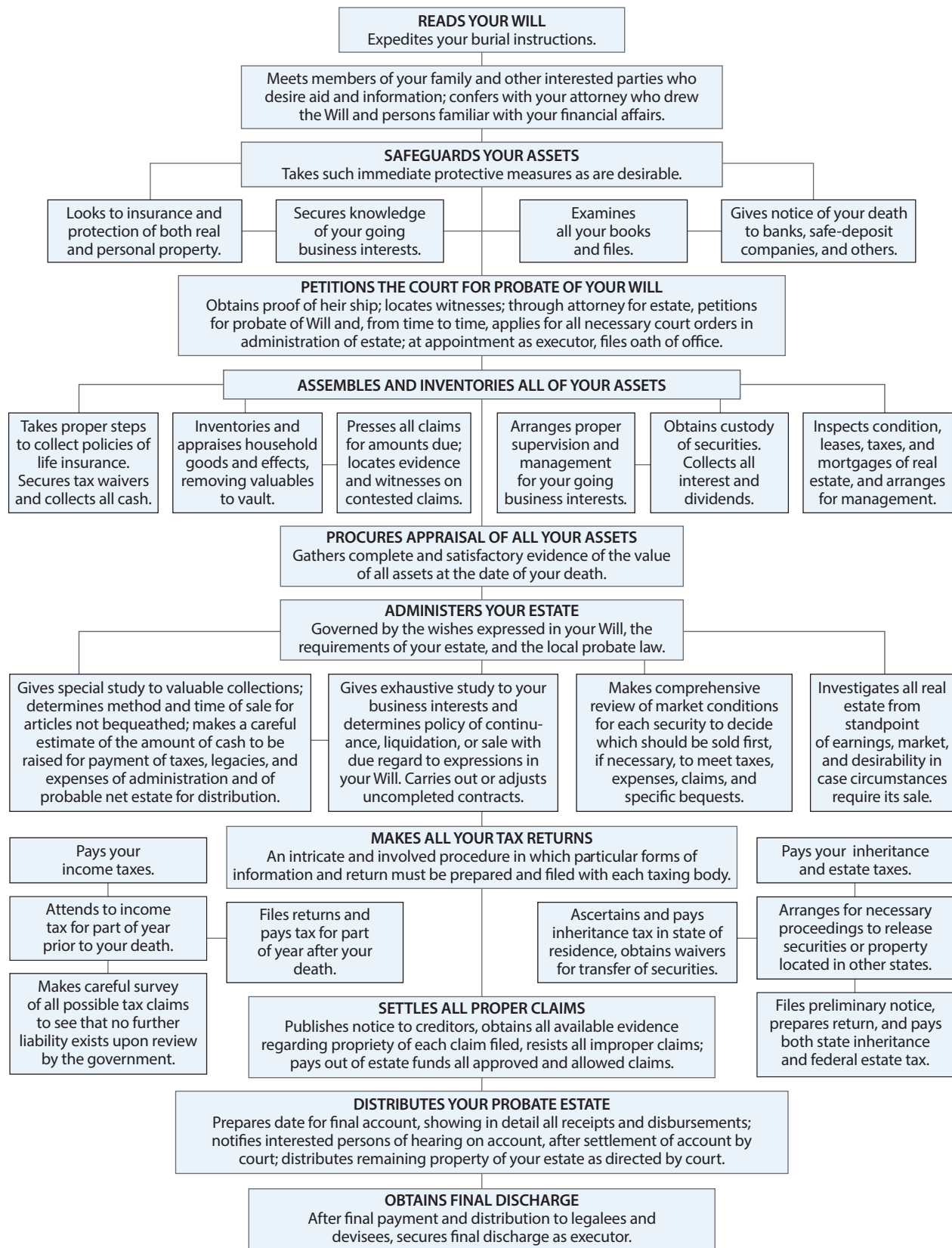
For estates with assets less than \$300,000 in value. This process is similar to the full probate process but may be shortened down to 6 months to 1 year typically. Costs can range from \$1,250 or more.

## GENERAL PROBATE

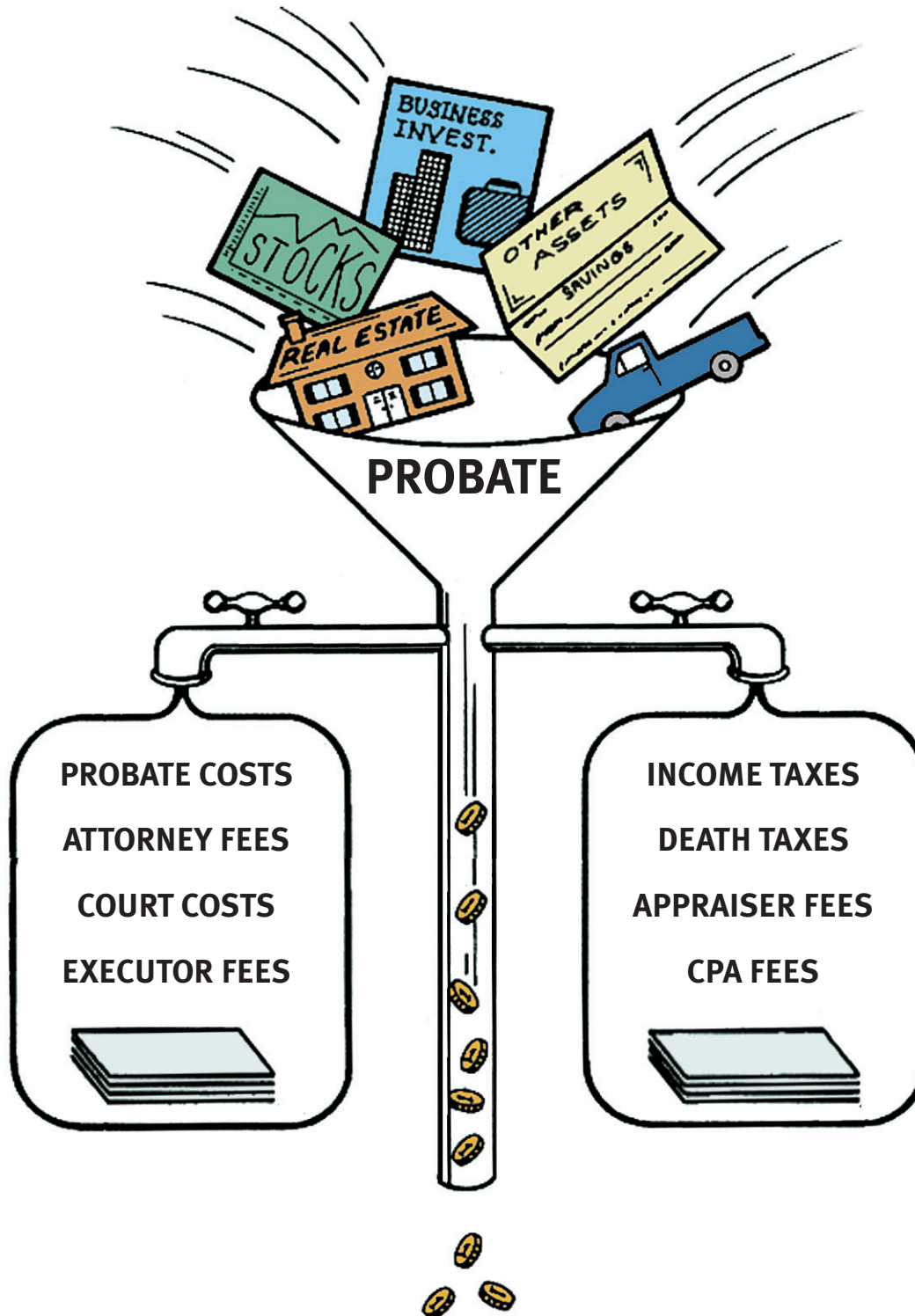
Otherwise known as “Unnecessary Torture” is for estates over \$300,000 in value. Involves many processes. Can take a very long time to go thru and costs thousands of dollars.



# Probate Process

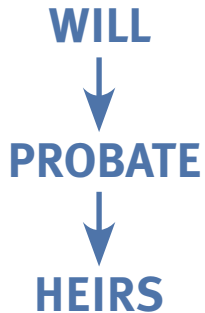


# Unnecessary Torture



# Putting Your Assets Into a Living Trust Can Avoid Probate

## WILLS



- Courts
- 1-2 year delayed distributions
- Public disclosure of your assets, debts and heirs
- Maximum negative emotional impact on family
- Court approved guardians and/or conservators
- Expensive probate fees
- Easily contested
- Totally public and court controlled

VS

## TRUSTS



- No court control
- Probate free
- Delay free
- Hassle free
- No unnecessary taxes
- You appoint conservators
- Protects you during your lifetime
- No-conest clause
- Totally private and family controlled



# Your Living Trust Team

## **GRANTOR (You) – Creates and Controls Trust**

Person(s) creating the Trust – you (and your spouse).  
Also called Creator, Settlor or Trustor.



## **TRUSTEE – Manages Trust**

Manages the Trust now. Usually you (and your spouse).



## **SUCCESSOR TRUSTEE(s) – Steps in for Trustee**

Will step in and manage the Trust for as long as necessary if you (and your spouse) become incapacitated. At your death(s) your Successor will distribute your assets according to your instructions.



## **BENEFICIARIES – Receive Assets When You Die**

Persons and/or organizations who will ultimately receive the assets in our Trust when you (and your spouse) pass away.

# Checklist For A Proper Estate Plan

Do you have the following and is it set up correctly?

- ☐ Revocable Living Trust
- ☐ Pour Over Will
- ☐ Durable Power of Attorney
- ☐ Health Care Power of Attorney with HIPAA
- ☐ Living Will
- ☐ Properly Funded Assets
- ☐ Properly Named Beneficiaries

*If one item is not checked,  
your estate plan may not be complete!!!*

Please call our office for a free review @ 702-897-9997.

# 20-Step Estate Planning Portfolio

<b>1. Initial Interview</b>	Fee Waived
<b>2. Preparation of the Trust</b>	Done by Licensed Document Preparer
<b>3. Client Meeting</b>	Signs and Notarizes all documents
<b>4. Revocable Living Trust</b>	Avoids Probate
<b>5. Certification of Trust</b>	Summary of Living Trust
<b>6. Pour Over Will</b>	Transfers assets left out of trust into trust
<b>7. Physicians Directive</b>	Authorizes termination of Life Support Systems if there is a terminal illness
<b>8. Health Care Power of Attorney</b>	Authorizes someone to make decisions for you if you become incapacitated
<b>9. Durable Power of Attorney</b>	Authorizes someone to make financial decisions for you if you become incapacitated
<b>10. Trust Amendment Forms</b>	Allows you to make changes to your trust
<b>11. Successor Trustee Checklist</b>	Step by step explanation of what to do at death or disability
<b>12. Quitclaim Deed</b>	Transfer Real Estate into Trust
<b>13. Homestead</b>	Protects equity in your residence up to \$550,000
<b>14. Recording of Property</b>	Officially records property into Trust
<b>15. Trust Documents</b>	Bound and indexed
<b>16. Copies</b>	Accessible from the Vault
<b>17. Trust Funding</b>	Assistance with Funding of Trust
<b>18. Beneficiary Setup</b>	Creation of primary and secondary beneficiaries on assets that do not go into trust
<b>19. Notary Service</b>	FREE Lifetime Service
<b>20. Annual Trust Reviews</b>	FREE Lifetime Service

# HIPAA

## (Health Insurance Portability and Accountability Act of 1996)

It is important for seniors to make sure that all of their affairs are in order for any possible unexpected events that may leave them incapacitated. Whether it is making sure that all of the finances are handled appropriately and left to the desired agent or that healthcare matters are left with the least amount of barriers possible; HIPAA is an example of regulations established to ensure protection and privacy of the patient.

With the terms of HIPAA finalized in August of 2002, new standards were designed to protect the privacy of person's healthcare information, stipulating that a healthcare provider, insurance company, or other "covered entity" can only disclose protected health information to an individual or other pursuant with the proper authorization based on the privacy regulations of HIPAA. Some of the key provisions as outlined by HHS are:

Patients are allowed to see, obtain a copy, and make corrections to any identified errors of medical records.

Covered health plans, doctors, and other healthcare providers must provide a notice to the patient regarding the use of their personal medical information and their rights under HIPAA.

Privacy regulations limit how protected health information may be used. Covered entities may use or share only the minimum amount of information to satisfy the particular purpose in which the information was needed.

Communications with a doctor, health plans, and other covered entities are kept confidential.

Consumers may file formal complaints against any covered health plan or provider regarding the privacy practices.

Due to potential monetary fines, healthcare providers and organizations are very cautious about being in compliance with HIPAA.

The strict regulations of disclosing personal information, it is required that written permission is provided to a health organization in order for them to release any information to a third party. In order to avoid any future frustration, anyone who anticipates working with the healthcare system as an agent for a senior will need to obtain a written release giving the agent the proper authorization.

In Estate Planning, it is important that after an agent has been designated as the durable power of attorney (DPOA), that the documents remain updated in order to comply with all the HIPAA regulations.

# What A Homestead Can Do For You

## For Your Information

The Nevada Constitution, which was adopted in 1864, provides for the exemption of homesteads from forced sale (Article 4, Section 30). The current version of the State law is found in Chapter 115 (“Homesteads”) of Nevada Revised Statutes (NRS).

**ELIGIBILITY** To be eligible for the homestead exemption, State law requires a person to declare a homestead and to record that declaration with the county recorder of the county in which the property is located.

### **HOMESTEAD PROTECTIONS — STATE AND FEDERAL LAWS**

#### **WHAT THE LAW PROVIDES:**

When you record a Declaration of Homestead, Nevada law protects the equity in your home up to \$550,000 from general creditor claims (unpaid medical bills, bankruptcy, charge card debts, business/personal loans, accidents) but would not preclude a seizure or forced sale of your residence from general creditors if your equity exceeds the \$550,000. A creditor may file suit and can record a judgment lien against any real property you own. Recording a Declaration of Homestead protects your principal residence up to the statutory maximum. For example, if the value of your home is \$645,000 and you have a first mortgage of \$485,000 plus a second mortgage of \$10,000, the equity is \$150,000.

#### **WHAT IS NOT PROTECTED:**

The Homestead law does not protect you against debts secured by a mortgage or deed of trust, payment of taxes, IRS lien, mechanic’s lien, child support or alimony payments.



# Two Locations To Serve You

## HENDERSON



Henderson Office  
10120 S. Eastern Avenue  
Suite 218  
Henderson, NV 89052

## NORTHWEST



Northwest Office  
3425 Cliff Shadows Parkway  
Suite 130  
Las Vegas, NV 89129

# The Retirement Planning Specialist



## The Shocking Truth About Living Trusts Revealed!

Discover The Little Known Secrets Your  
Accountant And Attorney Will Never Tell You

How To Avoid Making The 6 Biggest  
Mistakes When Setting Up A Living Trust!

Attend this complimentary seminar that reveals the  
benefits of the best kept secret in the financial world.



Presented by

**Todd Bauman**

THE RETIREMENT PLANNING SPECIALIST  
TODDBAUMAN.COM

**FREE  
LUNCH!**

Call Now...  
Seating is Limited

**702-897-9997**

No brokers,  
advisors  
or attorneys.

Reservations Required  
Spouses Urged To Attend!

**3 LOCATIONS!**

**Call for  
Availability**

**SUMMERLIN**

March 13, 2019  
10:30am

**ANTHEM**

March 19, 2019  
10:30am

**ALIANTE**

March 20, 2019  
10:30am

