



Samuel, Sayward &amp; Baler LLC

# Smart Counsel... FOR LIFE.

## Partners' Letter

*"Life starts all over again when it gets crisp in the fall."*

*- F. Scott Fitzgerald  
The Great Gatsby*

Dear Clients and Friends:

Autumn has arrived in all its glory. The green grasses of summer are now covered in a mosaic of orange, red, green, and gold leaves that crunch underfoot. The warm summer evenings have given way to chilly nights with the smell of home fires burning, and Jack-o-lanterns with their crooked and creepy grins watch from steps and porches as little ones run with abandon into a pile of leaves, their laughter filling the air. Autumn recalls family and friends gathering together to watch football games, eating delicious holiday meals and spending time with loved ones. This is also the perfect time for us to give thanks for our wonderful clients and valued colleagues, and send our **Best Wishes for a Happy Thanksgiving, a joyous Holiday Season and a Happy and Healthy New Year.**

As 2022 begins to wind down, it is time to start planning

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your goals for 2023. If it has been more than five years since you reviewed or updated your estate plan, or there have been changes in your family situation since your documents were signed (marriage, children, the passing of a loved one), then one of your goals for 2023 should be to make an appointment to review your current estate plan with one of our attorneys and determine if any changes are necessary. Please contact Marcy Kadlec at [kadlec@ssbllc.com](mailto:kadlec@ssbllc.com) to schedule an appointment.

We would like to thank our clients and friends that participated in the September *Smart Counsel Series*





### **Partners' Letter continued...**

hosted by Attorney Abigail Poole. **Attorney Steve Pepe of Reverse Mortgage Funding** in Milford, MA, shared some valuable information on the ins and outs of Reverse Mortgages. We will be posting the video from this event on our website shortly.

On page 3 of this quarter's newsletter, we share some insight into the purpose and use of a ***Directive as to Remains*** document. This document allows you to spell out your specific wishes as to what you would like done with your body when you pass away. Would you like to donate your organs? Would you like to be cremated or buried? Where would you like to be buried? What kind of service would you like to have? If after reading this section you would like to have this document added to your estate plan documents, please contact the office for an appointment.

We are pleased to welcome back paralegal Lynne Abe and Deb gives us another yummy recipe that's perfect for the cold nights this fall.

Please reach out to Deb Hayes ([hayes@ssblc.com](mailto:hayes@ssblc.com)) with any questions you might have after reading this newsletter, or ideas for future newsletter articles or topics for our Smart Counsel Series, and please feel free to share this with your family and friends.

We wish you and yours a wonderful Holiday Season,

Suzanne R. Sayward  
Maria C. Baler

### ***ATTORNEYS ON THE ROAD... AGAIN!***

Maria Baler was the guest speaker at the Westwood Council on Aging on September 19, 2022. Attorney Baler spoke on the topic of Estate, Gift and Capital Gain Taxes.

Attorneys attended the Massachusetts Forum of Estate Planning Attorney's Quarterly Meeting, in conjunction with Wealth Counsel, that included substantive sessions on irrevocable trusts and their use for tax planning and asset protection planning, including long-term care planning.

Maria Baler is speaking at the 2022 American Bar Association's Senior Lawyers Division Fall Meeting, to be held at Suffolk University Law School on October 27 & 28, along with Attorney Jessica Demmerly, a partner at Rubin and Rudman, on What Every Lawyer Needs to Know About Elder Law.





## **What is a Directive as to Remains?**

With Halloween right around the corner, it is the perfect time to think about spooky things, such as what you would like to have happen to your bodily remains when you pass away! If you have specific wishes about what you would like to happen to your body after you pass away, an important legal document to have is a Directive as to Remains (DATR).

A Directive as to Remains sets out a person's wishes for disposition of their remains at their death. This may include instructions for the type of service to be held, which funeral home to use, the location of a pre-purchased burial plot, or directions for scattering a person's cremains.

A Directive as to Remains is a stand-alone document. The instructions in your Directive should not be included in your Will because Wills are often not read until after the funeral, at which point it may be too late to carry out your wishes. In order for your Directive as to Remains to be valid, it must be in writing and must be witnessed.

### **Why Might You Want a Directive as to Remains?**

Not every person chooses to leave a Directive as to Remains but if your wishes regarding cremation, your funeral, or other disposition instructions are important to you, writing those wishes down and sharing them with your family and the Personal Representative of your Will is the best way to make sure those wishes are followed. Leaving a Directive as to Remains can also alleviate stress for surviving family members as it relieves them of the burden of having to make decisions about unfamiliar matters at a difficult time.

The Massachusetts Uniform Probate Code (MUPC) specifically authorizes the person named as the Personal Representative (formally known as "Executor") in the Will to carry out the written instructions of the deceased relating to the disposition of the body, funeral, and burial arrangements prior to the official court appointment of the Personal Representative. This is critical since it can take a long time (especially these days) to obtain the official court appointment of a Personal Representative.

If you do create a Directive as to Remains, make sure you share a copy of it with the Personal Representative named in your Will and with family members who will be involved in making those final arrangements

This article is not intended to provide legal advice or create or imply an attorney-client relationship. No information contained herein is a substitute for a personal consultation with an attorney. For more information visit [www.ssbllc.com](http://www.ssbllc.com) or call 781/461-1020.

# Top 5 Reasons to Create an Estate Plan

By Attorney Suzanne R. Sayward

As an estate planner and elder law attorney, I can cite a number of reasons why everyone over the age of 18 should have an estate plan. But what motivates most people to pick up the phone and make an appointment with an attorney to create their Will? I conducted a very un-scientific study of why clients decide to create or update their estate plan.

Here are the top five reasons that people decide to create or update their estate plan – in descending order.

**5. They want to provide instructions for end-of-life care.** Many people feel strongly about how they want to be cared for at the end of their lives. So long as someone is healthy enough to articulate instructions for their own care, they may direct the course of their care. But if a person is unwell and unable to articulate those instructions, then the only way their wishes can be carried out is if they have provided advance instructions about the care they wish to receive and appointed someone who has the legal authority to implement those instructions.

**4. They want their estate to avoid probate.** Probate avoidance is one of the primary reasons that people create an estate plan and rightfully so. Probate is the process of changing the title on assets when someone passes away from the deceased person's name to the name of the legal representative for the estate. Probate is costly, it is a public proceeding, it invites contests and it takes a long time. Luckily, avoiding probate is fairly easy. Only assets that are in a person's individual name at the time of death and that do not have a joint owner or beneficiary designated to receive them need to be probated. Owning assets jointly with another person (when appropriate), making sure there are beneficiaries designated on assets such as IRAs, 401Ks, annuities, and life insurance, and creating and funding a Living Trust, are all ways to avoid probate.

**3. They want to reduce or eliminate estate taxes.** The estate tax is a tax imposed on the value of assets an individual owns (or is deemed to own) at death. There is both a federal estate tax and a Massachusetts estate tax. The good news is that federal law gives each person a \$12 million exemption from federal estate tax. As such, there are very few people who need to pay federal estate tax. The bad news is that Massachusetts grants its citizens only a \$1 million freebie from estate tax. For many residents of Massachusetts who own a home, have a retirement account, and own life insurance, this \$1 million threshold is quickly reached. Undertaking planning to reduce or eliminate the estate tax

that their families will pay from their estates at death is a goal for many whose estate will subject to the estate tax.

**2. They want to protect their assets from having to be spent down on long-term care costs.** Many clients tell us they are concerned about the cost of long-term care and worried that those costs will consume all of their assets. Given the very high cost of long-term care, whether delivered at home or in a skilled nursing facility, these concerns are warranted. Learning about the options for planning to protect assets from needing to be spent down on long-term care well in advance of needing such care is vital to the success of achieving this goal. Learning the pros and cons of such planning, and why for some it may not be necessary, are also important. Long-term care planning is very specific to each individual, and is an area in which it is especially important for each client to get advice about their own particular circumstances.

**1. They want to provide for and protect their loved ones.** The number one concern that clients have is for their families. Whether it's parents with young children, older folks with grown children, a married couple with no children, or the favorite auntie or uncle, they all want to make sure their loved ones are taken care of when they are no longer around to do so. This means different things at different stages of life. For parents of young children,





## Terms to Know

### Conservator

– A person appointed by the court to make financial decisions on behalf of an incapacitated or incompetent person after a court proceeding in which notice is given to the incapacitated person and proof of incapacity is offered and assessed.

### Guardian

– A person appointed by the court to make decisions on behalf of an incapacitated or incompetent person after a court proceeding in which notice is given to the incapacitated person and proof of incapacity or incompetence is offered and assessed. A guardian stands in a fiduciary position to their ward, and makes decisions about where the incapacitated person will live, and also has authority to make health care decisions for their ward.

### Incapacity

– The inability to manage one's own affairs and/or make medical decisions for oneself, either temporarily or permanently.

### Legacy Planning

– Legacy planning is a more deliberate approach to estate planning that involves making careful decisions about how your assets and tangible property will be used to create a beneficial legacy. An estate planning attorney can assist individuals with a strategy for how to pay for grandchildren's education for example, which can involve using specific kinds of trusts. Legacy planning can involve "giving while living," to charitable organizations or specific family members who may have certain needs or goals. Legacy planning is a more complex, generational form of estate planning that aims to build a secure financial future for heirs and reduce conflict by distributing property in mindful ways.



## Ask SSB

**Q:** I have a grandchild with disabilities to whom I want to give money, and my daughter says I need to consult with a special needs attorney before doing anything. What is special needs law?

**A:** Yours is a very timely question, as October is National Special Needs Law Month, the purpose of which is to educate those with special needs, their families, and caregivers about ways to protect their rights and advocate for those with special needs. Organizations such as the National Academy of Elder Law Attorneys (NAELA) and the Massachusetts Chapter of NAELA present programs, host forums, and provide educational material to foster a better understanding and awareness of the challenges people living with disabilities face.

Special needs law focuses on guiding families and individuals with disabilities through the various challenges and opportunities that are unique to their situation. Special needs planning for family members like you who want to benefit a loved one with disabilities often means planning to ensure that the governmental benefits the individual receives, or may be eligible to receive in the future, are not jeopardized by good intentions such as the making of a large monetary gift or inheritance.

Governmental benefits such as Supplemental Security Income (SSI) which provides a monthly stipend, and Medicaid, which provides health care, are important benefits for many people living with disabilities. These programs are needs-based, meaning that eligibility for the benefit is contingent on the applicant having low income and limited assets.

Receipt of a monetary gift or an inheritance can cause the beneficiary to lose eligibility for these benefits. By creating a Special Needs Trust (sometimes called a Supplemental Needs Trust) to receive the gift or inheritance you can benefit your grandchild without jeopardizing valuable benefits.

If you want to learn more about protecting governmental benefits for a loved one with disabilities, please contact our office and schedule a time to meet with one of our attorneys.

# What's New at SSB

## *SSB movers and shakers!*



***Congratulations*** to paralegal KENZIE SAYWARD on her promotion to **Law Office Administrator**.

Kenzie has been with SSB for more than 15 years, and has served in many roles within the Firm during that time. Kenzie will still be recording real estate documents and assisting clients with title insurance, as well as running the day-to-day operations of the Firm.

And we are **very excited** to **WELCOME BACK** paralegal **Lynne Abe to Massachusetts, and back into the office at SSB**. As you may recall, Lynne moved to Texas in August of 2021 when her husband was transferred. Lynne continued to work for SSB remotely during her time in Texas. One short-year later, Lynne and her husband are back in Massachusetts and we couldn't be happier! Check out Lynne's profile on page 8!



## SUMMER FUN AT FENWAY





## FROM DEB'S\* KITCHEN TO YOURS

This delicious Spaghetti Squash Casserole is sure to be a family favorite in your house. It's perfect for those watching their waistlines, with only 400 calories per serving (about a cup and 1/2). This is also a wonderful recipe to "doctor," depending on your guests or event. Add Italian sausage, ground turkey, chicken or beef for the meat lovers in your crowd, and/or spice it up with taco mix or hot sauces. Play around with it and make it you own! Enjoy!!

### SPAGHETTI SQUASH CASSEROLE

#### INGREDIENTS

1 medium spaghetti squash (about 4 pounds)  
1.5 tablespoons butter  
1/2 pound sliced fresh mushrooms  
1 large onion, chopped  
2-3 garlic cloves, minced  
1.5 teaspoon dried basil  
1/2 teaspoon dried oregano  
1/2 teaspoon salt (use to taste)  
1/3 teaspoon dried thyme  
1/5 teaspoon pepper  
2 medium tomatoes, chopped  
1 cup dry bread crumbs  
1 cup ricotta cheese  
1/4 cup minced fresh parsley  
1/4 cup grated Parmesan cheese (you can add finely shredded mozzarella cheese too)

#### Optional Additions:

Ground turkey, chicken or beef  
Italian sausage  
Zucchini  
Summer squash  
Beets (partially pre cook beforehand)  
Carrots (partially pre cook beforehand)

Serve with your favorite adult beverage, or warm cider.

**Leftovers make great pancakes/breakfast burgers the next morning!!**

#### DIRECTIONS

Pre-heat oven to 375° and pre-grease a 2-qt baking dish.

Cut the squash in half lengthwise and scoop out the seeds.

Place squash, cut side down, in a baking dish. Add about a 1/2 inch of water and cover tightly with foil. Bake at 375° until squash can be easily pierced with a fork, 20-30 minutes.

In a large skillet melt butter and then add the mushrooms, onion, garlic, basil, oregano, salt, thyme and pepper; saute until onion is tender. Add tomatoes; cook until most of the liquid has evaporated. Set aside.

Scoop out the flesh of squash, separating strands with a fork. Combine the flesh, veggie mixture, bread crumbs, ricotta cheese and parsley. Mix well.

Transfer to a greased 2-qt. baking dish and sprinkle with Parmesan cheese.

Bake, uncovered, at 375° until heated through and top is golden brown, about 40 minutes.





### **What do you do at SSB?**

My main focus at the firm is supporting Janine Cronin and Karen Margeson, SSB's Senior Paralegals, with the drafting of estate plan documents. I also work closely with clients to gather information that is needed to finalize their estate plan, and to follow-up on questions or concerns clients may have in that regard.



### **What do you like best about your job?**

The SS&B team! It is a privilege to be surrounded by such a talented, motivated and supportive group of people. Working together closely allows us to share both the successes and challenges of our days, and provides many opportunities for us to collaborate on the matters at hand.

I also enjoy joining meetings as a witness when clients are signing their estate plan, as it provides a wonderful opportunity to put faces to the names of some of the clients with whom I have interacted along their estate planning journey.

### **My favorite memory of time spent living in Texas**

Driving on State Highway 130, a 41-mile toll road that has a posted speed limit of 85 mph, the highest posted speed limit in the Americas. Texas is called The Lone Star State for a reason.



### **Where is the best place you've traveled to and why?**

My husband's employment provided our family the opportunity to live in Tokyo, Japan for six years. The experience allowed us to appreciate so much of the country... its beautiful culture and traditions, rich history, and its many different regions and the wonderful food associated with each one. Best of all, my children became fluent in Japanese, allowing them to develop a special relationship with their Japanese grandmother, aunt and cousins.





# SSB FALL BRAIN TEASER



## FALL WORD SEARCH

S	E	L	P	P	A	L	S	Q	U	I	R	R	E	L	F	R	Y	W	W
T	V	G	I	R	M	L	J	S	B	L	Q	Y	A	O	E	S	L	O	B
E	G	K	K	B	D	A	A	K	W	S	B	C	L	B	K	E	L	L	O
K	R	R	R	U	W	B	K	Q	F	E	O	I	M	S	B	A	I	L	N
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H	C	B	N	W	O	R	C	E	R	A	C	S	Y	G	T	N	C	S	A
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Q	U	Q	G	V	T	C	I	D	E	R	V	B	T	R	V	G	H	T	S
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X	S	J	L	K	C	Y	U	Z	E	N	U	G	X	W	V	F	D	G	K
C	N	B	L	A	I	H	N	Y	C	D	G	S	R	E	D	K	V	E	I
R	X	L	H	U	X	N	O	X	O	Z	L	F	R	Q	T	Q	W	F	Z

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acorns	cobweb	harvest	October	seasons
apples	corn	hayride	orange	September
autumn	Fall	jackets	pumpkin	squash
bonfire	festivals	leaves	quilt	squirrel
brown	foliage	maize	rake	sweaters
chestnuts	football	migrate	red	Thanksgiving
chilly	gourds	November	scarecrow	wagons
cider	green	nuts	scenic	yellow