



# Smart Counsel... FOR LIFE.

Samuel, Sayward & Baler LLC

## Partners' Letter

*"Dandelion wine. The words were summer on the tongue. The wine was summer caught and stoppered...sealed away for opening on a January day with snow falling fast and the sun unseen for weeks..."*

- Ray Bradbury  
*Dandelion Wine*, 1957

Dear Clients and Friends:

A very Happy New Year to all. We hope that you enjoyed a wonderful holiday season and that 2023 brings you and yours health and happiness.

January is often thought of as the month of new beginnings. Many of us take this chilly time of year to curl up next to a roaring fire with a hot beverage and contemplate the goals we achieved and those we didn't over the past year. And we begin to set new goals for the coming year. Setting realistic goals is important each year, and now is the perfect time to reflect on your estate planning

this issue ↓



goals and make plans to protect your family and your assets in 2023.

Often when someone thinks of estate planning, they think about the care of, and providing for the people in their life. But for many, *people* may come in the form of 4 legs and fur. Really, is there anything better than opening the front door to an overjoyed, tail-wagging, sloppy kiss from your pet after a long day at the office?

In this quarter's edition, Attorney Poole shares the 5 ways to protect your pet with estate planning

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## **This quarter's Smart Counsel Series**

### ***Post Death Options***

### ***From Organ Donation to Green Burials***

Join us for our next Smart Counsel webinar on **Thursday, February 23<sup>rd</sup>** when **Attorney Maria Baler** will host a roundtable discussion on the topic of post-death options. From organ donation and traditional burials, to cremation and green burials that minimize impact to our environment.

Join us virtually for this presentation on **Thursday, February 23, 2023 from 6:00 pm to 7:30 pm**. Contact Kenzie Sayward at 781/461-1020 or [kenzie@ssbllc.com](mailto:kenzie@ssbllc.com) to reserve a spot for you and a friend. **The program is free but registration is required.**

Partner's Letter continued...

documents. Your pet is so very important to you, and it is important to protect them if something happens to you. Pre-planning for the care of pets will help your loved ones to know your wishes and can offer the best outcome during this confusing time for your pet.

On page 3 you will find the 2023 adjusted contribution limits and tax rates. Please contact us if you feel these changes will impact your estate planning goals.

Attorney Megan Bartholomew has written a very interesting article on the new "green burial" options that many individuals are choosing in their pre-paid post-death arrangements. Green burials are designed to reduce the number of chemicals used in the burial process, as well as decrease the natural resources that are buried in cemeteries each

year as a result of traditional burials.

In case you missed our holiday "12 Days of Estate Planning" video - you can see some photos from the recording and a click on the link we provided!

As always, please feel free to reach out to Deb Hayes ([deb@ssbllc.com](mailto:deb@ssbllc.com)) with any questions, or ideas for future newsletter articles, or topics for our Smart Counsel Series. If you know someone who would like to receive this quarterly newsletter, please have them email Deb their contact information, and don't forget to forward this to your family and friends.

Wishing you a safe and healthy winter,

Suzanne R. Sayward  
Maria C. Baler



## Inflation Adjusted Tax Figures for 2023

Each year the federal government adjusts various benchmark numbers to reflect inflation or cost of living increases. Below are some of the 2023 adjustments as reported by the IRS.

- ▶ Estates of decedents who die during 2023 have a basic exclusion amount of \$12,920,000, up from a total of \$12,060,000 for estates of decedents who died in 2022. This means that individuals who have a taxable estate of less than \$12,920,000 do not need to be concerned about their estates being diminished by federal estate tax. This number is doubled for a married couple.
- ▶ The annual exclusion for gifts increases to \$17,000 for calendar year 2023. The annual exclusion is the amount that each person may gift to any other person in a calendar year without affecting the amount of their lifetime basic exclusion (see above). Under the current law, there is no limitation on the number of individuals to whom annual exclusion gifts may be made.
- ▶ The standard deduction for married couples filing jointly for tax year 2023 rises to \$27,700 up \$1,800 from the prior year. For single taxpayers and married individuals filing separately, the standard deduction rises to \$13,850 for 2023, up \$900, and for heads of households, the standard deduction will be \$20,800 for tax year 2023, up \$1,400 from the amount for tax year 2022.
- ▶ Marginal Rates: For tax year 2023, the top tax rate remains 37% for individual single taxpayers with incomes greater than \$578,125 (\$693,750 for married couples filing jointly).

The other rates are:

35% for incomes over \$231,250 (\$462,500 for married couples filing jointly);  
 32% for incomes over \$182,100 (\$364,200 for married couples filing jointly);  
 24% for incomes over \$95,375 (\$190,750 for married couples filing jointly);  
 22% for incomes over \$44,725 (\$89,450 for married couples filing jointly);  
 12% for incomes over \$11,000 (\$22,000 for married couples filing jointly).

The lowest rate is 10% for incomes of single individuals with incomes of \$11,000 or less (\$22,000 for married couples filing jointly).

Long-term capital gains tax rates for the 2023 tax year:

Filing Status	0% Rate	15% Rate	20% Rate
Single	Up to \$44,625	\$44,626 – \$492,300	Over \$492,300
Married filing jointly	Up to \$89,250	\$89,251 – \$553,850	Over \$553,850
Married filing separately	Up to \$44,625	\$44,626 – \$276,900	Over \$276,900
Head of household	Up to \$59,750	\$59,751 – \$523,050	Over \$523,050

## Inflation Adjusted Tax...

- ▶ For the taxable years beginning in 2023, the dollar limitation for employee salary reductions for contributions to health flexible spending arrangements increases to \$3,050. For cafeteria plans that permit the carryover of unused amounts, the maximum carryover amount is \$610, an increase of \$40 from taxable years beginning in 2022.
- ▶ The amount individuals can contribute to their retirement accounts such as 401(k) plans in 2023 has increased to \$22,500, up from \$20,500 for 2022. The catch-up contribution limit for employees aged 50 and over who participate in 401(k), 403(b), most 457 plans, and the federal government's Thrift Savings Plan is increased to \$7,500, up from \$6,500. Therefore, participants in 401(k), 403(b), most 457 plans, and the federal government's Thrift Savings Plan who are 50 and older can contribute up to \$30,000, starting in 2023. The catch-up contribution limit for employees aged 50 and over who participate in SIMPLE plans is increased to \$3,500, up from \$3,000.



## Ask SSB

**Q:** My neighbor put her house in a trust. Should I put my house in a trust?

**A:** Whether your house should be held in a trust depends on your unique circumstances and goals. If you own your home in your individual name, one of the main benefits of owning your home in a trust is that it will avoid probate at your death. Probate is the Court proceeding that transfers title to assets held in the deceased's individual name to his or her heirs or beneficiaries. Avoiding probate will avoid Court filing fees and significantly shorten the period of time before your heirs can take title to the property or sell the property and divide the proceeds. Although holding your home in any type of trust will avoid probate, an irrevocable trust can also be used to preserve your home for your family in the event you need long-term care. Although an irrevocable trust can provide asset protection, it also means that you give up complete control over your home. Although you may be able to continue to live in the property, if the home is sold your use of the proceeds will be restricted, which may or may not be workable for you. For some people, the adverse consequences of putting their home into an irrevocable trust outweigh the benefits.

Whether transferring your home into a revocable or irrevocable trust is right for you can only be determined after you review the advantages and disadvantages of such a transfer with your attorney in light of your particular circumstances and goals.



## Five Ways to Take Care of Your Pets in Your Estate Plan

By Attorney Abigail Poole

A preliminary study suggests that owning a pet for five or more years may slow cognitive decline in adults 65 years of age or older. As someone who grew up with pets and recognizes the joy, humor, companionship, and other benefits that pet ownership provides, that study got me thinking about what could be done to care for the critters that enrich our lives if we become incapacitated or when we pass away.

To start with, the ASPCA suggests creating a contact list of caretakers and documenting your pet's food, medication and behaviors for emergency purposes. In addition to those recommendations, here are five ways to include your pets in your estate plan, to make sure they are taken care of if you are not able to do so.

### ❖ Memorandum

Your Last Will and Testament directs the distribution of your assets after you pass away, including your pets. If you have a specific individual you wish to take custody of and care for your pet after you pass, you may list the pet and individual on a Memorandum. The Memorandum is incorporated by reference into your Will yet permits you to update it if you later get another pet or change your mind about whom you would like to care for your pet.

### ❖ Gift for Pet Caretaker

The Will can also include a provision that gives a specific amount of money to the selected pet caretaker in order to assist with anticipated veterinary expenses, food, toys, etc. for your pet. Such gifts are usually small, ranging from \$1,000 to \$40,000, in my experience, depending on the age of your pet and the pet's anticipated needs.

### ❖ **Revocable Living Trust Pet Sub-Trust**

If you already have a Revocable Living Trust as part of your estate plan and would like to gift a larger amount of money to your pet's caretaker but prefer that the funds are managed by someone else, then a simple pet sub-trust as part of your Revocable Living Trust may be a good option.

Since 2011, residents of Massachusetts have been permitted to create trusts for the benefit of their pets. The trust is legally binding and must benefit a pet that is alive during the trust creator's lifetime. There is a manager (Trustee) appointed to administer and distribute the trust money to a separate person who is the pet's caretaker. The trust describes the purposes for which money may be distributed to the caretaker for the pet's benefit, such as grooming, training, veterinary care and more. If the amount held in trust is challenged, the court may determine if it is excessive in connection with the needs of the pet and reduce the amount so long as it will not negatively impact the care, maintenance, health or appearance of the pet. The trust ends at the death of the last surviving pet and directs that the remaining funds, if any, are distributed according to other terms of the trust.

### ❖ **Stand-Alone Pet Trust**

If you are contemplating setting aside hundreds of thousands or millions of dollars to pay for your pet's expenses because the pet has a long-life expectancy or significant health care needs, a stand-alone pet trust may be a better fit for you. But keep in mind that funding the trust with millions of dollars may spell Trouble – as in the pet trust created for Leona Helmsley's dog, Trouble, whom the court determined did not require \$12 million dollars to pay for the pup's lifetime care, and redirected the distribution of a majority of those funds to others. While the stand-alone pet trust must adhere to the same Massachusetts laws mentioned above, it also allows you to include more complex wishes regarding the compensation of the Caretaker and Trustee, and the distributions for your pet's benefit, such as transportation expenses, boarding, euthanasia, and disposition of remains, and more.



### ❖ **Your Durable Power of Attorney**

The above documents address the care of your pet after your passing, but what if you are alive and can no longer care for your pet yourself due to incapacity? In such situations, your Attorney-in-Fact under your Durable Power of Attorney may step in. Your Power of Attorney may direct that your assets may be used to pay for food, medical treatment and other necessities, including keeping your pet at home as long as possible, as your Attorney-in-Fact decides appropriate.

At Samuel Sayward & Baler LLC, we recognize that pets are cherished family members. Happily, there are many options available to ensure your pet is well cared for in the event of your incapacity or death, and we will guide you through the process of determining the best way to provide for them in your estate plan.

*Attorney Abigail V. Poole is a senior associate attorney with the Dedham firm of Samuel, Sayward & Baler LLC which focuses on advising its clients in the areas of estate planning, estate settlement and elder law matters. She is an active member and President of the Massachusetts Chapter of the National Academy of Elder Law Attorneys (NAELA). 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.*

## **Green Burials: Changing Tradition One Plot at a Time**

To wrap-up the year of 2022, the National Funeral Directors Association reported that over 60% of funeral homes reported individuals expressing interest in green burial options. A 'green burial' is the final disposition of bodily remains with "less environmental impact". Green burials are designed to reduce the number of chemicals used in the burial process, as well as decrease the natural resources that are buried in cemeteries each year as a result of traditional burials.

Green burials are increasing in popularity in part due to rising awareness of the environmental impacts of traditional burial and cremation. In most traditional burials, the remains are embalmed and preserved before being buried. The U.S. uses over 4.3 million gallons of formaldehyde for the embalming of bodies per year. The embalming chemicals are designed to preserve bodies and do not dissipate over time. As such, these chemicals often leach into the surrounding soil and air as the body decomposes. In addition to the harmful chemicals produced by burials, this tradition is also resulting in a tremendous waste of natural materials. Bodies are often buried in wooden caskets with concrete liners in the burial plot. Each year, the funeral industry in the U.S. uses over 20 million feet of wood for caskets and over 1.6 million tons of concrete for vaults, meaning these resources end up buried and taking up unnecessary space.

In contrast to the traditional burial process, the purpose of a green burial is to help the body decompose naturally. For green burials, the bodily remains are not embalmed nor preserved with any chemicals. If there is a casket at all, it is made out of soft wood that will disintegrate easily over time. No gravel liners or concrete vaults are used to encompass the casket and no metal or hardwood is used to make the caskets. In some cases, individuals choose to forgo a casket altogether and instead are buried in a shroud or a mushroom suit, which help accelerate the decomposition process. This green burial process reduces the number of resources and chemicals interred in the earth with the body and diminishes the resulting environmental impact.

Another attractive aspect to green burials is that they are often less expensive than a traditional burial. In 2022, the national median cost of a traditional burial with embalming in a casket was \$7,800, not including the cost of the cemetery plot itself. In contrast, the average cost for a green burial in 2022 ranged from \$1,000 to \$4,000.

Green burials are legal in Massachusetts, and many Massachusetts cemeteries are now hybrid cemeteries. These hybrid cemeteries have an area for

individuals buried traditionally and an area for individuals who chose green burials. The areas with green burials tend to have much smaller headstones that lie flat on the ground, maintaining the concept of minimizing disruption to the earth. With the rising cost of cemetery plots and the ever-growing problem of cemeteries running out of space, green burials are a viable option to help contribute towards reducing our environmental footprint in an economically beneficial way.

Attorney Megan L. Bartholomew is an associate with the Dedham law firm of Samuel, Sayward & Baler LLC which focuses on advising its clients in the areas of estate planning, elder law, estate and trust settlement and probate. 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 our website at [www.ssbllc.com](http://www.ssbllc.com) or call 781/461-1020.



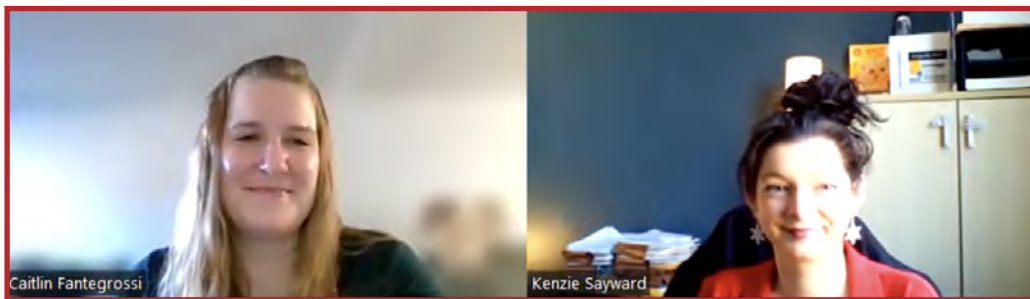
***Attorney Abigail Poole named President of the  
Massachusetts Chapter of the  
National Association of Elder Law Attorneys***



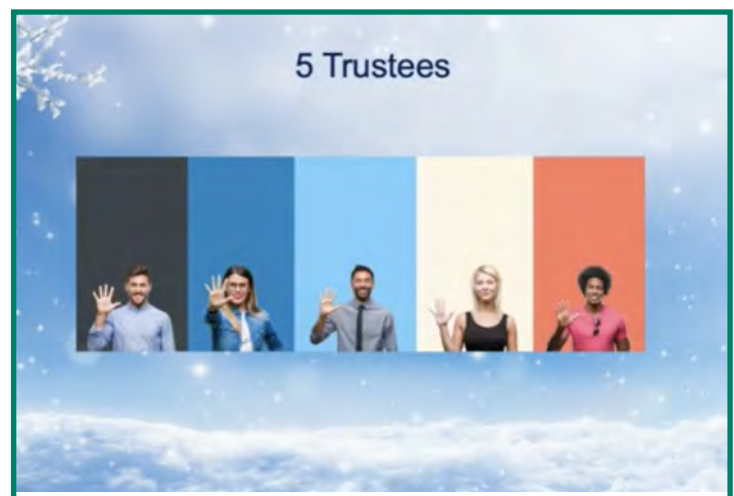
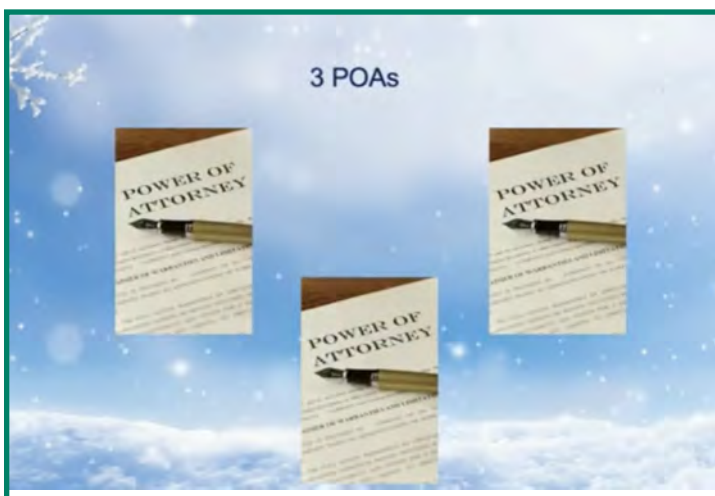
**Congratulations to Attorney Abigail Poole** as she assumes the role of President in one of the elder law bar's most respected organizations for the legal protection of our seniors and disabled citizens. Attorney Poole is the third SSB attorney to hold this prestigious seat and we couldn't be prouder!

NAELA is a national association of lawyers who work with older clients, disabled clients of all ages, and their families. Established in 1987, NAELA provides its members a resource for education, information, networking and assistance with the many specialized issues involved with legal services for seniors and people with special needs. NAELA provides the general public information, advocacy on legislation affecting the elderly and those with special needs, and assistance in finding qualified attorneys who specialize in the legal needs of the elderly and those with special needs.

# What's New at SSB



***The 12 Days of Estate Planning***  
<https://youtu.be/5inTW979e7g>



# From Deb's\* Kitchen to yours

## Italian Minestra Maritata (Wedding Soup)

The word wedding in the name of this soup refers to the marriage of meat and greens.

### INGREDIENTS

#### The Broth

- 2-quarts chicken stock
- 1/2-cup onion chopped
- 4-cloves of garlic minced
- 1-carrot chopped in small pieces
- 1-celery stalk chopped
- 10-ounces spinach chopped
- 1-egg
- 1/4-cup grated Romano cheese
- 1-cup of Acini de Pepe or small pasta of your choice

#### The Meatballs

- 1-egg
- 2-cloves clove garlic minced
- 1/4-cup onion minced
- 1-teaspoon salt
- 1/2-cup grated Pecorino Romano
- 1/4-cup minced parsley
- 1/2-lb ground beef
- 1/2-lb ground pork

### DIRECTIONS

#### Meatballs

- Mix all the meatball ingredients in a large bowl and form tiny soup size meatballs.
- Place the meatballs on a baking sheet and cook at 350 for 10 minutes.
- Remove and set aside until soup is almost done.

#### Soup

- In a large stock pot add the broth, and all the broth ingredients except the egg, Romano cheese and spinach.
- Simmer for 30 minutes
- Mix together 1 egg and 1/4 cup Romano cheese add this mixture slowly to soup while whisking soup. This must be done slowly
- Add the chopped spinach.
- Place cooked meatballs into the soup and simmer for 10 minutes longer.
- Cook the pasta, strain and put in the soup. Serve with grated cheese and a drizzle of extra virgin olive oil.

Serve with hot Italian bread and dipping oil.

Pair with a medium-dry Riesling or buttery Chardonnay.

Finish with a dessert of gelato or sorbet.

# SSB WINTER WORD SEARCH

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

# Word Search Words

below zero	freezing	plow
bitter cold	frostbite	reindeer
black ice	frosty	scarf
blanket	frozen	season
blizzard	gloves	shovel
boots	heater	skates
cabin fever	hibernate	sledding
coat	hot	snow
cold	icicle	snowman
downhill skiing	Jack Frost	snow blower
earmuffs	January	toboggan
evergreen trees	longjohns	turtleneck
February	mittens	vacation
fireplace	numb	winter
flannel	penguin	wood stove
flurries		

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and on our Youtube channel.***