



Samuel, Sayward & Baler LLC

Smart Counsel... FOR LIFE.

Partners' Letter

“In the end, it's not the years in your life that count. It's the life in your years.”

– Abraham Lincoln
16th President of the United States

Dear Clients and Friends: **Happy Spring!**

Although we didn't have a terrible winter by New England standards, it's still wonderful when the clocks move forward and the days get longer.

April signals a corner turned, and a time for fresh beginnings. It is also a very good time to remind you that your estate plan may need some *'freshening up'* to ensure that you and your loved ones are prepared for the years to come. It is important to review your estate plan on a regular basis.

Here are a few things to consider when deciding whether it's time to freshen up your estate plan:

1. Do you currently have an estate plan? The AARP currently estimates that 60 percent of Americans do not have any type of estate plan in place. The number one reason for this? *'I haven't gotten around to it.'* While



each state has laws that provide for the disposition of your assets following your death if you don't have an estate plan in place, those laws may not match up with your intentions.

2. How old is your estate plan? Regardless of whether you already have a will or trust in place, even the best-laid estate plan needs periodic updating to account for changing laws.

3. Have changes occurred in your family? Life's big 'family events' – weddings, births, deaths, divorces, etc. – are often accompanied by a need to update an individual's estate plan.

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4. **Are you entering a new stage of life?** As you move through different stages of life, your goals change. What you needed when you were first married may differ now that you are planning to retire. You may have children and grandchildren, and may be concerned about long term care.

Please contact one of our attorneys to discuss your current goals and future plans, and help you decide if your plan should be updated.

In this edition of our newsletter, Attorney Brittany Hinojosa Citron discusses the importance of taking your time when developing your estate plan. Strategic planning can help avoid issues down the road. Attorney Abigail Poole debunks several of the myths and misconceptions surrounding estate planning, and the dangers of using online templates. In this edition's *Ask SSB*, Attorney Maria Baler gives the inside scoop on title fraud.

Be sure to check out our *What's New* feature below to read about the magnificent works of art produced by members of our team.

As always, please feel free to reach out to Kenzie Sayward (kenzie@ssblc.com) with any questions, or ideas for future newsletter articles, and if you know someone who would like to receive this quarterly newsletter, please email Kenzie their contact information, and don't forget to forward this to your family and friends.

Happy Spring,

Suzanne R. Sayward
Maria C. Baler



RECENT EVENTS

Health Care Proxy Signing Event in Mattapan

The Massachusetts Chapter of the National Academy of Elder Law Attorneys (MassNAELA) is partnering with the Mattapan Community Health Center to assist community members with completing and signing standard Health Care Proxies at the Mattapan Community Health Center in early May. SS&B attorneys are happy to be volunteering for this event!

Probate Presentation at The Esplanade

In March, Attorney Hinojosa Citron and Attorney Poole had the pleasure of presenting on the "Pitfalls of Probate: What You Should Know and Ways to Avoid It" to a wonderful group of inquisitive residents at The Esplanade in Cambridge.

It's a Marathon, not a Sprint: Quality Estate Planning takes Quality Time

By: Brittany Hinojosa Citron, Esq.

Every year on the third Monday in April, thousands of people flock to Massachusetts to participate in the Boston Marathon. The Boston Marathon is an event where participants run 26.2 miles of varying terrain. The event dates all the way back to 1897, and represents endurance, resilience, and community spirit.

The Boston Marathon is a lot like estate planning. It takes time. It involves navigating the varying terrain of life—familial relationships, births, deaths, finances, and taxes. Rushing through the process may have consequences. Oversights or inaccuracies could lead to unintended tax consequences or disputes among beneficiaries.



In the hustle and bustle of daily life, it's easy to push things to the back burner. For many, estate planning falls into this category. However, rushing through the process can lead to missed opportunities that could have significant consequences for you and your loved ones down the line. It is better to be proactive and have an estate plan in place now to prepare for the unexpected (such as a sudden illness or surgery) or the expected (such as a vacation or birth of a child) rather than having an emergency and suddenly scrambling to get your Will done.

Your estate plan is not just about distributing your assets after you're gone. It's a strategy that encompasses your wishes for healthcare decisions, guardianship of dependents, and the management of your affairs if you become incapacitated. It may also utilize various strategies for asset preservation and protection, such as creating trusts, gifting strategies, and long-term care planning, that can help minimize taxes and maximize the value of your estate for your beneficiaries. From real estate and IRAs to blended families and family businesses, each element adds a layer of intricacy to your estate plan. It is rare that one has a “simple” estate that just needs a “simple” Will.

Although estate planning is like a marathon, it is not a one-time event, unlike the Boston Marathon. Take the time to thoughtfully consider your wishes. You don't have a clear head when faced with a family emergency or upcoming surgery. Seek professional guidance and take inventory of your assets before something unexpected happens. By treating your estate planning like a marathon, not a sprint, you can ensure that your plan accurately reflects your values, wishes, and your family's needs, and you will have the peace of mind of knowing that you created a comprehensive plan that provides for you and your loved ones when you're gone.

Debunking Five Estate Planning Myths and Misconceptions

By Attorney Abigail Poole

Estate planning is a crucial aspect of managing your assets and ensuring your loved ones are protected in the event of your passing. Unfortunately, there are several prevalent myths surrounding estate planning that can lead individuals down the wrong path. Here are five myths and common misconceptions about estate planning.

Myth 1: Wills and Trusts Serve the Same Purpose

It is a common misconception that Wills and Trusts are interchangeable estate planning tools. In reality, they serve different purposes but complement each other. A Last Will and Testament is a legal document that outlines your final wishes by designating recipients for your probate assets and appointing a Personal Representative to administer your estate by paying estate expenses and distributing your probate assets according to the wishes outlined in your Will. However, a Will only controls your probate assets, those which you own in your individual name without a joint owner or beneficiary. Those assets must go through probate, a time-consuming and costly legal process, before assets are distributed.

On the other hand, Trusts can do everything a Will can do and bypass probate, allowing for a quicker and more private distribution of assets. They are also useful for managing assets during incapacity, preventing court interference, protecting assets and providing ongoing asset management and support for beneficiaries. Trusts come in various forms, such as revocable living trusts and irrevocable trusts, each designed to meet your specific needs.

Myth 2: One Size Fits All – Everyone Has the Same Estate Plan

Your estate plan may be very different from your next-door neighbor's estate plan. This is because your estate plan should be prepared based on your specific assets, goals and needs, and the sometimes unique, situations of your loved ones who will receive your estate assets, such as special needs, substance abuse or a potential divorce on the horizon. While there are basic estate plan documents everyone should have in place, including a Will, Power of Attorney and Health Care Proxy, your estate plan may be much more complex if you, for example, own a business and/or wish to reduce the estate taxes due to the Commonwealth after your death. Luckily, there are a variety of estate plan documents available to meet the unique estate planning needs of everyone.



Myth 3: Only Have a House and Retirement Accounts? No Need for Estate Planning

Some individuals believe that estate planning is only necessary if they own substantial assets or have a complex financial portfolio. However, estate planning is essential for everyone, regardless of their net worth. Even if you only own a house and have retirement accounts, proper planning can ensure that these assets are transferred smoothly to your intended beneficiaries and that your wishes are honored, perhaps with an appropriate Trust. Estate planning should be comprehensive – I regularly discuss with clients the importance of confirming they have primary and contingent beneficiaries designated

on retirement accounts and life insurance policies in accordance with their overall distribution wishes, along with the dangers of not having beneficiaries designated (hint: probate is necessary).

Myth 4: Verbal Instructions Are Enough

It is a dangerous misconception to believe that verbal instructions or promises made to family members or friends are sufficient for estate planning purposes. Verbal instructions hold no legal weight, and they may lead to confusion, disagreements, and legal challenges after your passing. Without proper written documentation, your wishes may not be honored, and the distribution of your assets may not align with what you intended.

To ensure that your estate plan is legally valid and enforceable, it is crucial to work with an experienced estate planning attorney to formalize your wishes in legally recognized documents like Wills and Trusts. This approach provides clarity and protection for your beneficiaries.

Myth 5: Preparing Estate Plan Documents Online Is A Safe and Effective Option

While online tools and templates for estate planning documents may seem like a convenient and cost-effective option, they can be risky and ineffective. A colleague of mine considers them job security because of the numerous times his legal services have been engaged to correct poorly drafted documents that fail to include state-specific nuances or necessary provisions that resulted in unintended outcomes.

An experienced estate planning attorney can provide invaluable guidance, ensuring that your documents are correctly drafted, conform with state laws, and reflect your true intentions. They can also help you adapt your estate plan over time, considering changes in your life, the lives of your loved ones, your finances, or the laws.

Do not fall prey to these myths and misconceptions! Your situation is likely unique and deserves to be approached with care and attention to detail. At Samuel, Sayward & Baler LLC, we believe estate planning is a critically important process and we take the time to create a personal, comprehensive plan that protects your loved ones and preserves your legacy.

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 Immediate Past 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 or call 781/461-1020.

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I went to this office for estate planning with lots of questions. All my questions were answered! Incredibly knowledgeable and professional attorneys. Support staff is so friendly. Overall an excellent experience and feel so relieved my estate plan is all set.



Donna Dominguez

Terms to Know

Attorney-in-fact

– The technical legal name for the person appointed to act under a Durable Power of Attorney.

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.

Fiduciary

– A person with a legal obligation (duty) to act primarily for another person's benefit. Fiduciaries include the Personal Representative (Executor) of an estate, the Trustee of a Trust, and an agent acting under a Power of Attorney.

Irrevocable Trust

– An irrevocable trust is a trust you set up during your lifetime to distribute your assets after your death. Unlike a “revocable trust,” the terms of the trust cannot be changed by you during your lifetime. Additionally, you may have limited to no access to or control of the trust assets and income. Irrevocable trusts can accomplish a variety of goals such as reducing estate taxes, avoiding probate, shielding assets from a Medicaid/MassHealth claim, and providing privacy and creditor protection. Transferring your assets to an irrevocable trust is a big decision and the advantages and disadvantages should be discussed with your estate planning attorney.



Ask SSB

Q: I have heard stories about people “stealing” the title to other people’s homes and selling the house without the owner’s knowledge. I also hear ads for insurance that claims to protect against this. Should I buy this insurance or is there another way to protect against this?

A: While home title theft is possible, it is uncommon in Massachusetts. It is more common with vacant land than with improved property.

A fraudulent deed in Massachusetts does not actually convey title. This means that even if you are a victim of home title theft, you still legally own your house. Only you can legally transfer your title to a third party. If a buyer were to rely on a forged deed without doing their due diligence on the property’s title, that buyer would be out of luck and lose any money paid to the thief rather than to the legitimate property owner.

Additionally, anyone attempting to forge a deed would need their signature notarized by a Notary Public, who is required by law to verify the identity of the signer. Knowledgeable lenders, title companies, and real estate firms also have many safeguards in place which make it difficult for a fraudulent transfer to go undiscovered.

In the unlikely event that title to property is stolen, the biggest risk to

the homeowner is the cost of clearing the title, which would require the assistance of an attorney.

The ads you have heard aim to scare listeners into purchasing title theft insurance, which does not actually provide coverage for any costs associated with clearing the title if a theft occurs.

There are steps you can take in order to protect yourself. Many Massachusetts Registry of Deeds offices offer a free Consumer Notification Service, which notifies homeowners whenever a new document is recorded related to their property. You can also regularly check your name on the Registry of Deeds website for the county in which your property is located to make sure no unusual documents have been recorded.

Finally, if you have owner’s title insurance on your property, your title policy may insure you against title theft due to forgery or impersonation. Check with your title insurance company to see if you are covered.

What's New at SSB

Both the Louvre and the Metropolitan Museum of Art said they weren't qualified to exhibit the **"greatest artistic pieces"** they had ever seen, leaving the *Georgia O'Keeffe wannabes* from SSB out of a venue to show off their amazing talent.

However, after an exhaustive search, they found a small, private venue in Dedham that agreed to host these emerging *Masters*, allowing them to proudly display their artwork to the masses.

These priceless works of art will be kept in a state-of-the-art vault in a secret location to preserve them for future generations.



Legal Assistant, Aubrie, displaying her masterpiece



Miming instruction from Sue(l) to Cait(r). Karen is thinking "Is she serious? That's the box mime, not the wall?"



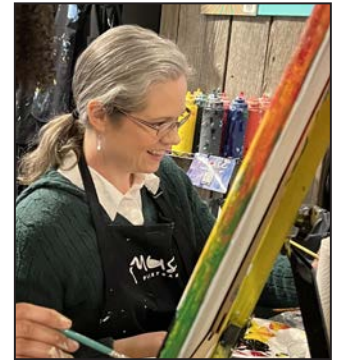
Joanne is having too much fun!



Jasmine, Abby & Sue



Jasmine putting the finishing touches on her masterpiece



Abby is mesmerized by all the pretty colors.



Brittany, Jasmine, Joanne, Aubrie & Leah

Meet Client Services Coordinator Joanne Loetz

1

What do you do at SSB?

I am the Client Services Coordinator. I schedule meetings, follow-up with clients on outstanding matters, and help the office run smoothly. I am also a notary public so I am available to notarize documents!

2

What do you like best about your job?

What I like most about my job is the people I get to work with every day. We work hard but we also play hard together. Even during stressful times there is always a spirit of camaraderie here.

3

Three words to best describe you:

Outgoing, Funny and Caring

4

What's a fun fact about you many people may not know?

I play the ukulele and when my children were younger, I would go into their classrooms and have sing-alongs with the class – with the teacher's permission, of course!

5

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

I climbed to the top of Half Dome at Yosemite National Park. It was exhilarating, exhausting, and freeing.

6

Favorite line from a movie?

"My name is Inigo Montoya. You killed my father. Prepare to die."
-The Princess Bride



SSB ESTATE PLANNING WORD SEARCH

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

Administrator

Attorney In Fact

Beneficiary

Capacity

Conservatorship

Credit Shelter Trust

Crummey

Decedent

Disclaimer

Estate Planning

Estate Tax

Executor

Fiduciary

Grantor

Guardianship

IRA

Irrevocable Trust

Ownership

Personal Representative

Power of Attorney

Probate

Retirement

Revocable

Trust

Trustee

Will