

SPRING 2026



Samuel, Sayward & Baler LLC
Smart Counsel, for Life

Happy Spring!

Dear Clients and friends:

It seemed like winter was going to last forever– but in the estate planning business, nothing lasts forever.

Spring signals renewal. The days are getting longer; the flowers and trees are blooming and everywhere the sound of sneezing has begun! Spring is when we start opening the windows and refresh our homes and routines. It's also a smart time to take stock of the plans that protect the people and causes you care about most.

Estate planning often sits on the “one of these days” list, but spring is about getting things done, and it is a good reminder that peace of mind is something you can put in place now.



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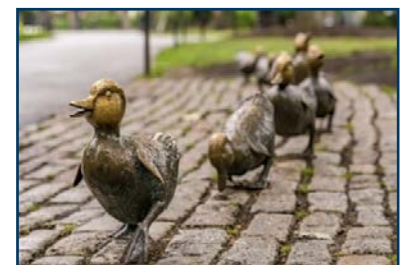
Responsibilities of a Trustee

3 Being named as a trustee is a significant responsibility. It means you are legally obligated to act in the best interests of the trust and its beneficiaries. Read Attorney Leah A. Kofos' article to learn how you can navigate the process.



5 Reasons to Avoid Probate

5 Probate, the legal proceeding to prove the legitimacy of a Will, or to recognize the individual or individuals who can legally claim access to an estate, is a very lengthy and costly process. Attorney Sean Downing gives you 5 tips to avoid this process.



7 What is your child's spouse entitled to know about your assets in a divorce?

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Life changes quickly, and even small shifts can affect whether your estate plan is still effective to achieve your goals. A move, a marriage or divorce, the birth of a child or grandchild, a new home or business interest, or changes in health can all create gaps in an older plan. Reviewing key documents, such as a will, trust (if you have one), beneficiary designations, health care proxies, and powers of attorney, helps ensure your choices are current and that the right people can act if needed.

If you don't have an estate plan yet, spring is a great time to create one since you're already in "get organized" mode. At a minimum, many people consider putting a will in place, naming guardians for minor children, and choosing trusted decision-makers for financial and health care matters. This is especially true for 18-year-olds about to head off to college or the workforce. Clear instructions can reduce confusion, delays, and unnecessary expense for your family. It also ensures that your wishes are carried out.

Think of this time of year as spring cleaning for your legacy: a focused review now can prevent stressful surprises later. Start by gathering any existing documents and making a short list of what has changed in your life since they were signed. Then contact our office to schedule time to update what's outdated, or to draft what's missing so your plan reflects where you are today and where you would like to be tomorrow.

In an effort to help our clients and friends of our clients, this spring, SSB will be hosting two live, in-person events in our Dedham office, to discuss estate plans for traditional and non-traditional families.

On May 12, we will host a Mom's Guide to Estate Planning: What Every Parent Should Know, and on June 9, we will host a session on Estate Planning for Non-traditional Families. Please join us for these free events, enjoy some wine, cheese and other light refreshments, and meet

the SSB team. Registration for these events can be done by contacting Joanne Loetz at loetz@ssbllc.com or (781) 461-1020. Please be sure to share this information with your family and friends.

Have you ever wondered what a trustee is—or what responsibilities come with being named one? On page 3, Attorney Leah Kofos offers a clear overview of the trustee's role and duties and helps ease the stress that can come with taking on this important title. If you want to learn more about what serving as a Trustee entails, join us on July 14th for our Trustee Workshop. Information about registering for that program will be available soon.

And speaking of stress—few things are harder on a family than facing probate after a loved one passes away. The process can be costly, time-consuming, and difficult to navigate, especially without guidance. On page 5, Attorney Sean Dowling shares five ways to avoid probate and explains why working with an attorney is the most important step.

This quarter's Q&A answers a question regarding what information a parent may be legally required to provide to the divorcing spouse of their child!

Our employee spotlight this quarter is on Attorney Sean Downing.

Please feel free to reach out to Joanne (loetz@ssbllc.com) with any questions, or ideas for future newsletter articles or topics for our in-house seminar series.

If you know someone who would like to receive this quarterly newsletter, please email Joanne their contact information, and don't forget to forward this to your family and friends.

Happy Spring,

Suzanne R. Sayward
Maria C. Baler





SO YOU'VE BEEN NAMED AS A TRUSTEE — NOW WHAT?

By Attorney Leah A. Kofos

Few moments in life bring such a mix of honor and anxiety as being named as a Trustee. It's an important role — a sign that someone trusted you deeply — but it's also a serious legal and financial responsibility. Trustees are tasked with managing the assets of a trust for the benefit of others, often in accordance with complex estate plans and sometimes confusing state and federal laws.

If you've just learned that you're a Trustee, take a deep breath. The job can seem overwhelming, but with the right information and professional help, you can fulfill your duties properly — and protect yourself along the way. Here's where to start.

1. Get the Documents — and Get Oriented

Your first step is to locate the Trust documents. These documents spell out your responsibilities and the specific instructions about how the trust assets should be managed or distributed. Make sure you have all of the relevant documents, including all amendments that may have been made to the Trust since it was created.

If you can't find the Trust documents in the decedent's files, don't panic. Try to determine who drafted the estate plan — often, the estate planning attorney will have retained the original documents or, at the very least, copies in their files. Attorneys typically keep these documents for many years, so tracking them down can save you considerable confusion later.

Once you have the trust documents in hand, read through them carefully (ideally with professional help) and make note of:

- Who are the beneficiaries? These are the people (or sometimes organizations) who will receive benefits from the trust.
- What are your duties? Some trusts require ongoing management of trust assets; others call for an outright distribution of assets to the beneficiaries.
- Any specific conditions? For example, a trust might direct you to pay out funds only after



a beneficiary reaches a certain age, or to provide annual distributions of income only.

It is also important to understand what assets are owned by the Trust, and which assets are not owned by the Trust. Understanding these basics gives you the foundation you need to move forward responsibly.

2. Hire an Attorney — Don't Go It Alone

Acting as a Trustee is not just an act of goodwill — it's a legal obligation with fiduciary duties. That means you are legally obligated to act in the best interests of the beneficiaries and to follow the Trust's terms to the letter. Because even well-intentioned mistakes can have serious consequences, it's crucial to get legal advice early.

A trusts and estates attorney will guide you through the process, help interpret the legal language of the documents, and ensure you stay compliant with all requirements. If you know who prepared the estate plan, consider hiring that same attorney — they already understand the decedent's intentions and are familiar with the structure of the Trust.

A good attorney can also help you avoid common pitfalls, such as prematurely distributing assets, mis-managing investments, or failing to file required tax forms.

3. Don't Forget the Taxes

A key part of a Trustee's responsibility is making sure all tax filings are properly handled. These include fiduciary income tax returns, and if you are also named as the Personal Representative of the estate, the decedent's final personal income tax return and potentially state and/or federal estate tax returns. In Massachusetts, an estate tax return is required if the total value of the estate exceeds \$2 million. Missing or incorrectly filing these forms can delay the administration of the estate, require the payment of unnecessary penalties and interest, and even create personal liability for you as Trustee.

It's wise to consult both your attorney and an experienced accountant who has experience with estate and trust returns. Together, they can help ensure every requirement is met and all deadlines are observed.

4. Managing Ongoing Trust Assets

Not all Trusts end quickly. Some are designed to last for years, even generations, providing income or support to beneficiaries over time. If you'll be overseeing assets for an extended period, engaging a financial advisor who understands fiduciary investing is a must. A financial professional can help you create an investment policy that aligns with the Trust's goals, balance risk and return appropriately, and keep proper records of investment performance and distributions.

Remember, as Trustee, you're required to manage the Trust's assets prudently — not just with good intentions, but according to a reasonable standard of care. Obtaining advice from qualified professionals helps you meet that standard.

5. Protect Yourself

This point cannot be overstated: a Trustee can be held personally liable if something goes wrong. That means if you mishandle funds, overlook taxes, or distribute assets prematurely, you could be on the hook to make things right out of your own pocket.

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5 Reasons to Avoid Probate



People often come to us with a desire to create an estate plan that avoids probate, the court-supervised process of settling a person's estate after death. However, they don't always know *why* avoiding probate is something they should want to do. Here are five reasons to avoid having your assets pass through probate.

1. Probate Takes a Long Time

Under Massachusetts law, creditors generally have up to one year after a person's death to bring claims against the estate. As a result, many probate estates take at least a year to fully close. That delay can be especially difficult when family members depend on timely access to bank accounts, investment funds, or real estate.

Court timelines can add additional delays. It may take weeks (or longer) for the court to appoint a Personal Representative (formerly called an Executor). Until that appointment is made and authority is issued, the estate often cannot pay final expenses, taxes, or professional fees, and no one has clear legal authority to manage estate accounts.

2. Probate can be Expensive

Massachusetts probate is not always simple or intuitive. Many families hire an attorney to prepare filings, meet deadlines, and communicate with the court. Costs can increase further if issues arise. For instance, if the estate needs to sell real estate before the year is up, they may be able to do so but only if they petition the court. This requires a lot of back-and-forth

between your attorney and the court and cost can quickly add up. Additionally, beneficiaries can challenge the Personal Representative's decisions causing further delays and additional filings, hearings, and a lot of correspondence which adds time and legal fees.

3. Probates are Public

As part of the Probate process, the Personal Representative needs to tell the court the approximate value of the estate, including the value of any real estate, say who the beneficiaries are, and detail which assets each beneficiary is getting. The value of the estate, the beneficiaries' identities, and the distribution of assets then become accessible to the public.

Television crime dramas sometimes depict probate as a source of shocking revelations that destroy families and break down trust. For most people though, it is an issue of privacy. Who wants their personal financial and family matters out in the public domain? Do you want everyone to know which charities/organizations you supported? Do you want everyone to know that you gave more money to your favored niece than to her siblings? If you prefer to keep details about

family inheritances or charitable giving confidential, using a trust-based plan can help reduce unnecessary disclosure and, in some cases, lessen conflict among family members.

4. Probates are More Easily Contestable

All legal documents can be contested in theory. However, Wills are particularly prone to being contested. Besides Wills being publicly accessible, all heirs at law are given notice of the probate at the beginning as part of the probate process. These two factors combine to create an environment where jilted beneficiaries are given the information and venue they need to contest.

Trusts, unlike Wills, are not publicly accessible and do not require notice to heirs at law. This makes it difficult for disgruntled family

members to know the contents of the trust or how their treatment under the trust compares to other parties.

5. Probates Require Court Supervision

Probate is inherently a court process, and the judge is in their power to add extra supervision over a probate. The most common form of this is a Guardian Ad Litem, which is a person appointed by the court to act in the interest of a minor child or otherwise incapacitated person. Guardians Ad Litem must conduct interviews and make formal reports which can take time and add expense. Courts can also require sureties on a bond, searches for potential heirs at law be conducted, and accountings for the estate be completed, all of which add to the time and expense of probate.

Probate avoidance is not appropriate in every situation, but many Massachusetts families can reduce probate exposure with a revocable living trust, beneficiary designations, and jointly held property where appropriate. Consider speaking with an estate planning attorney to review your assets and goals and determine the right approach

Attorney Sean M. Downing is an associate attorney with the Dedham firm of Samuel, Sayward & Baler LLC, which focuses on advising its clients in the areas of trust and estate planning, estate settlement, and elder law matters. 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 ssbllc.com or call 781-461-1020.

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I couldn't be happier with the estate planning work done by the law firm of Samuel, Sayward & Baler. Do yours sooner rather than later. They understand, they can help, and the peace of mind you will feel afterward is priceless. As a satisfied client, I would recommend this law firm to anyone.

Marilynne R



Q: My daughter is going through a divorce, and a friend told me that in Massachusetts my son-in-law is entitled to information about my assets in connection with their divorce. Can this possibly be true?

A: Believe it or not, it's true. In Massachusetts, a divorcing spouse can subpoena the parents of his spouse for information about the size of their estate and the terms of their estate plan to learn about any inheritance his spouse may receive. This is because Massachusetts law requires that a judge consider the likelihood that a divorcing spouse will have the opportunity to acquire assets in the future when the judge is deciding how the marital assets of the couple should be divided between them.

The 1990 Massachusetts case which established the right of a divorcing spouse to discover information about the other spouse's possible inheritance was the *Vaughan* case. If you are subpoenaed by your son-in-law's attorney, you may be required to submit a 'Vaughan Affidavit' which must include:

- the approximate value of your estate;
- a general description of provisions of your estate plan which benefit your daughter; and
- the date that your estate plan was last amended.

Although you do not have the legal right to refuse to comply with a subpoena requesting this information, you certainly have the right to create an estate plan which provides protection for your child's inheritance from the claims of creditors such as a divorcing spouse, a failed business, a bankruptcy, or other lawsuits.

If you are concerned about the vulnerability of your estate to your children's creditors, including a divorcing spouse, make an appointment to meet with one of our attorneys to discuss the steps you can take to protect your children's inheritance.

To safeguard yourself:

- Keep detailed records of every dollar that moves in or out of the Trust.
- Don't rush to distribute assets until you're confident that all debts, taxes, and administrative expenses have been paid.
- Hold back a reserve of funds to cover final costs, such as professional fees, income taxes, or other lingering obligations, before making final distributions to beneficiaries.
- Make sure you work with an attorney to prepare comprehensive acknowledgment forms that the beneficiaries sign in exchange for their distributions, which will not only acknowledge receipt but also release the Trustee from liability and agree to refund assets they have received if an unexpected obligation arises.

Once you're confident that all obligations are met, get the green light from your attorney so that you can make final distributions to the beneficiaries without worry.

Final Thoughts

Serving as a Trustee can be both challenging and rewarding. You're stepping into a role that requires diligence, organization, and sound judgment — but also one that honors the trust someone placed in you. By gathering the right documents, assembling a team of professionals, and moving carefully through each step, you can fulfill your duties faithfully and protect yourself in the process.

Being a Trustee isn't easy, but you don't have to do it alone. With the right support, you can carry out your responsibilities with confidence and integrity. If you want to hear more about what is involved in serving as a Trustee, plan to join us for a complimentary in-office Trustee Workshop on July 14th. Information about registering for this event will be available soon.

Attorney Leah A. Kofos is an attorney with the Dedham firm of Samuel, Sayward & Baler LLC, which focuses on advising its clients in the areas of trust and estate planning, estate settlement, and elder law matters. 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 ssblc.com or call 781-461-1020.

Did you know...

... your financial institution(s) may not accept your Power of Attorney (POA) in the event you become incapacitated? A durable power of attorney authorizes your agent to manage your assets (money), including dealing with banks and other financial institutions, in the event that you are unable to handle these matters for yourself. Although banks generally must honor a valid POA, they may refuse it under certain policies intended to prevent fraud, elder abuse, and financial exploitation.

To help avoid any delay for your agent in the event of your incapacity or inability to act on your own behalf, you should update your power of attorney document every 3 to 5 years.

Please check your estate plan documents and contact us if they need updating.

Meet

Sean Downing

Sean Downing is an Associate Attorney with Samuel, Sayward & Baler. He enjoys helping families solve challenges with creative estate plans. He takes pride in breaking down complicated legal topics to educate clients step by step through their estate plans. Sean has particular experience helping non-traditional families, especially LGBTQ+ families, with their unique estate planning needs.

A Day in the Life:

On most mornings, Sean arrives at SSB with a steady plan: help people make sense of the future. As an associate attorney, he spends his days in the world of estate planning, elder law, and probate—meeting with clients, preparing documents, and stepping in to support other attorneys when a case needs an extra set of hands.

The best part, he thinks, is the moment a client's shoulders drop and their stress abates—when confusion turns into clarity and clients know everything will be ok. Sean likes walking people through the details, translating legal language into something easier to digest, and making sure they truly understand what they're signing. Trusts and estates can feel intimidating, but Sean takes pride in making the process approachable, one careful explanation at a time.

The Path Not Chosen:

If not an attorney, Sean can picture himself at the front of a classroom as a math teacher; markers squeaking across a whiteboard while wide-eyed pre-teens try to understand Pythagoras' theorem or search for the ever-changing answer to $x = ?$ Or perhaps a writer of fiction—tucked away in a cabin with a laptop and a strong cup of coffee, weaving stories of distant wonders and amazing adventures for these bright, young dreamers.

Downtime:

After work, Sean is happy to trade statutes and schedules for the simpler comforts he loves: a good book, a favorite video game, and time spent laughing with friends.

There's another side of Sean that catches people off guard: he grew up in the competitive world of Irish step dancing, and the thunder of hard shoes still lives in him. Around St. Patrick's Day (or the SSB Holiday Party), when the first notes of fiddles and flutes rise and the bodhrán (Irish hand drum) begins its steady heartbeat, Sean can still bring the tradition to life—bright as a reel, and impossible to ignore.

Maybe that's why his personal mantra fits him so well: everything is a spectrum. In law and in life, Sean looks for the nuances and the exceptions—the details that change a story's ending—and he keeps showing up each day to help others find their way through them.



2026 Spring EP Series at SSB

You are invited to our special **2026 Spring Estate Planning Series** an informative and welcoming program designed for families of all types.

Join us for practical guidance and clear next steps on protecting the people you love, planning for life's changes, and creating documents that reflect the goals and values of your family.

Enjoy hors d'oeuvres and beverages while you meet our attorneys, staff, and other SSB clients. Please RSVP to reserve your spot.

*May 12th at 6pm
A Mom's Guide to Estate Planning:
What Every Parent Should Know*



*June 9th at 6pm
Estate Planning for
Non-traditional Families*