



# Estate Planning

TRAINING  
MANUAL



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## CLIENT SALES

Congratulations on your decision to join our network of professionals across America that believe in “doing the right thing” when it comes to planning someone’s life. We look at life as a cycle with a beginning, middle and end.

For the purpose of this training manual, our focus is only on the end of life cycle. While we can’t be specific when it comes to understanding and predicting how someone’s life “rolls out,” we can be certain that we are all going to have the same ending.

Extending someone’s life and saving lives are what our healthcare systems are all about and while great progress has been made for extending and saving people’s lives, the inevitable end of life is an absolute 100% guarantee.

When the end comes, a person’s legacy begins. Conversations about the person change from “I know that person” to “I knew that person.” The change occurs immediately after the last breath has been taken. End of life planning becomes the primary focus for the surviving family. There’s little time for grieving as plans have to be made and made quickly.

The quotations “ashes to ashes” and “dust to dust” become reality. But that’s not all, everything the deceased person has accumulated during their lifetime makes up their estate and their estate has to be dealt with.

That’s where your importance comes in. Historically, the only people who were qualified to address end of life planning were attorneys. Not so now. With the advent of the internet, communication technologies and software, professionals like yourself can now offer comprehensive estate planning to your clients and prospective clients. You have made a wise choice by making estate planning a part of what you do.

This opportunity is a paradigm shift for most of you which is why we went to great lengths to put the information you need to be successful in this manual. There’s a lot of detail and thought processes that are repetitive. Repetition is an important part of the learning process since learning itself is a repetitive process.

I challenge you to take this training seriously. Don’t just scan over it and think you have it. This information is too important and can make a major positive impact on people’s lives, including yours. This much we can guarantee, follow our educational sales process and your business will grow exponentially and hundreds – if not thousands – of families will benefit.

## Introduction



The word goal is defined as “the object of a person's ambition or effort; an aim or desired result.” When a goal is achieved, the person or team has a feeling of accomplishment which is synonymous with the word success.

The goal of this publication is to open your eyes and mind to what it takes to make goal setting achievable. By following these steps and committing the time to make this process a part of your work routine, you will succeed.

One of the most common mistakes people make when setting goals is setting a monetary amount as the goal. Monetary accomplishments are a by-product of some activity that leads to a monetary outcome. For example, in the world of sales it is common practice for people to set a goal of “I will earn X dollars next month.” The reality of this form of goal setting is that the outcome can only be measured by the number of successful sales presentations that will need to be made in order for the goal to be achieved.

Highly successful people understand the importance of goal setting. Setting the goal is the first step; however, the most critical part of goal setting is creating a detailed plan that addresses the activities that are going to be required in order to achieve the desired outcome. This is where the process of goal setting generally “falls apart,” very few people take the time to develop a solid plan.

There are three (3) aspects to successful planning in goal setting.

- Realistic – the degree of possibility for achieving the goal must be believable.
- Support – the necessary resources must be available.
- Strategy – the action items or steps that lead to the achievement of the goal must be clear and understood. You have to be committed to taking the steps. Otherwise, it is a waste of time.

Strategic planning and goal setting requires more than simply writing something down. Great coaches believe, “with the right team players and the right plan, you will be successful.” The key words are “right.”

Reading this manual is only going to get you so far. My goal is to prompt you to “stop” and think about how you’ve approached goal setting up until now and then ask yourself this question, “Have I been as successful as I would have desired?”

Estate Planning Goal Setting is a unique approach to setting a goal with most of the planning already done.

Read that sentence again.

Most of the planning has already been completed. In other words, the Estate Planning Goal Setting process has already been tried, tested, and proven to work. All you have to do is follow the process.



There's 1 absolute guarantee in life.

There's a 100% probability that we are all going to die. Most people are uninformed, unprepared, and unaware of what comes with the end of life. Our goal as trusted professionals is to make sure clients and prospective clients understand that as important as financial planning is, end of life planning is just as important. I'm not talking about final expense or pre-need insurance plans. They have their roles, but what I'm referring to is the financial estate that has been created during our lifetime as a result of the financial planning we have done.

Estate Planning Goal Setting is a tried and proven sales process that will attract prospective clients as well as engage clients to get their estate plan done. Understanding this system and developing the goal setting process took years to understand and successfully implement. It's not a matter of just writing down a goal and seeing what happens, it is a step by step process that, while it can be altered to fit your personality and style, in order to work you have to understand the details and you have to study, practice, and be disciplined to implement the process into your work routine.

Putting in the work and being disciplined to follow a plan tends to be where most people fail. This is why I believe that understanding why goal setting doesn't work is the first step to understanding how to make goal setting work for you. Fact: as well known as the subject of goal setting is around the world, only a small percentage of the population can give testimony to the fact that goal setting worked for them on a consistent basis.

That's where Estate Planning Goal Setting proves itself out. If you follow our step by step process, it has to work in a high percentage of cases. While we know nothing is 100% guaranteed, we can say with absolute certainty that if followed correctly, your percentage of success will be high. The process is based on logic and sound reasoning.

The first part of this process requires understanding the importance of being diligent when it comes to taking care of the details. The old expression, "the devil is in the details" holds true for our process to work for you.

The first goal you will set is to get your prospect to acknowledge the fact that having their own plan is preferred versus having the government's plan. There's no selling involved, it is simply a matter of educating your prospect on what plans they have to choose from and what the consequences of each will be.

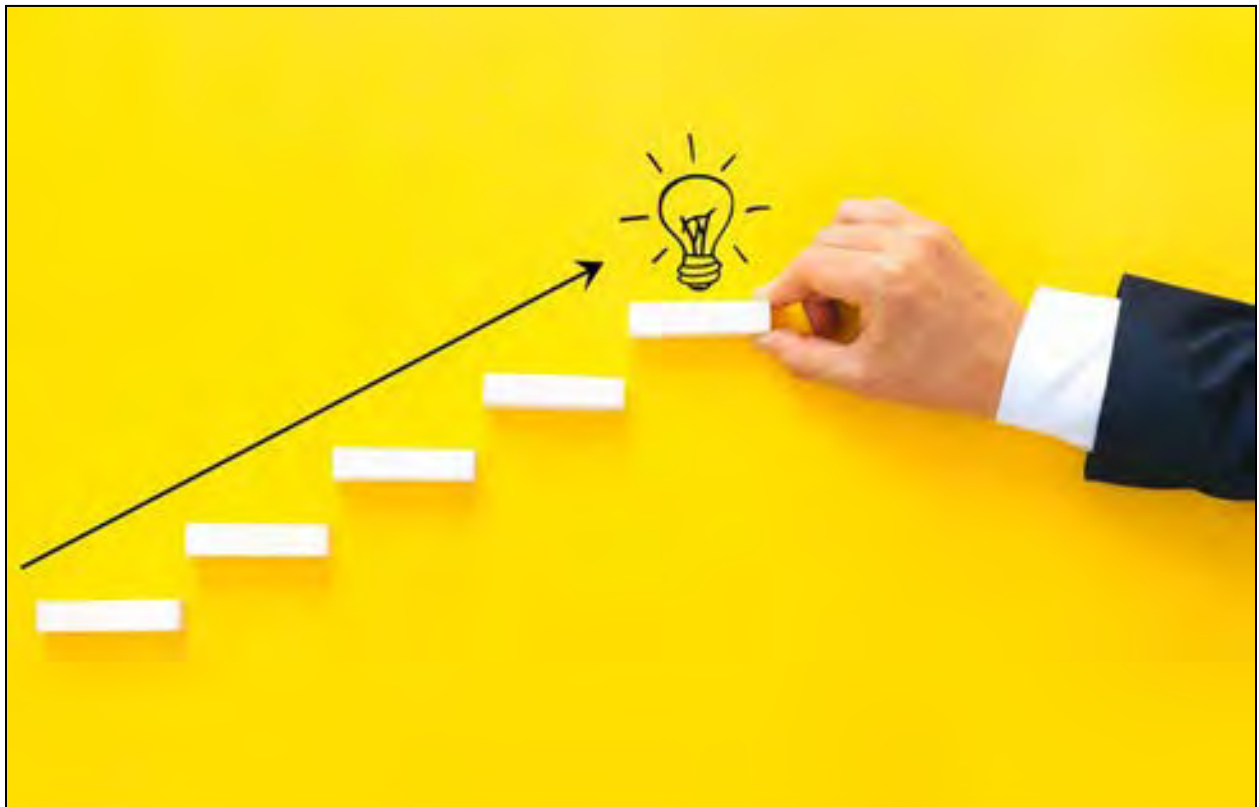
Let's now dive into the details.

We start with talking about what estate planning is and why it's so important to have a plan for their estate. You are going to explain each step that a family will have to go through in the event that there's no estate plan or living trust in place. If you cut corners or "skim over" the explanation, you will most likely "miss the boat" which means you will miss hitting your goal.

Estate Planning Goal Setting – the first four steps are designed to teach you what is needed to begin the Estate Planning Goal Setting process which begins with step five.

## Steps to Success

1. An understanding of estate planning
2. An understanding of why everyone has a plan
3. An understanding of how the government's plan works
4. An understanding of how having your own custom plan bypasses the government's plan of probate
5. An acknowledgement from your prospect that having their own plan is their choice.
6. Closing the sale
7. Creating a timeline for your new client to get their plan completed
8. Generating and getting the documents signed and notarized
9. Funding your client's trust
10. Referral process



## Step 1 - Understanding Estate Planning

Remember, the details that follow are critical for you to understand and be able to explain.

What is Included in an Estate?



Your estate is comprised of everything you own including:

- Car and other types of vehicles
- Personal residence and any other types of real estate
- Checking, savings accounts, CD's, Money Market & Safety Deposit Boxes (anything affiliated with financial institutions that has your name on it)
- Investments
- Life insurance
- Furniture and all other types of personal property

No matter how large or how small, everyone has an estate.

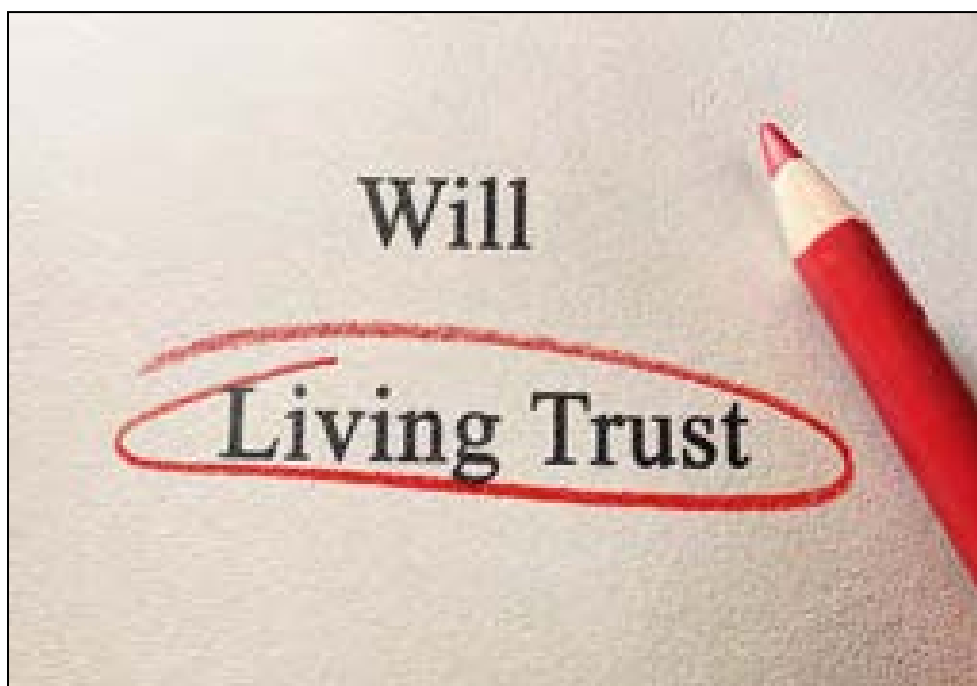
Estate planning is all about **protecting your loved ones** from having to go through the probate court process. Probate is time consuming, stressful, expensive, inconvenient, and exposes the estate to the public. Nothing is sacred.

Planning your estate refers to how your estate will be handled when you pass. If there's a husband and wife, it's most common for the surviving spouse to own the estate. When the second spouse passes, the estate will be dispositioned and settled by a form of law either through probate court or according to a living trust that was planned and executed while the individual or couple were of sound mind and capable of making decisions on their own.

Benefits of Estate Planning & What's included in a Comprehensive Estate Plan:

- A Revocable Living Trust

The “centerpiece” of an estate plan. This document is a legal contract which enables the grantor (often referred to as the trustee, which can be a single individual or a married couple) to decide how the estate will be settled, to whom, how the proceeds are to be distributed, and when. With a Revocable Living Trust, everything you decided during your planning process occurs quickly and without the cost of probate court, thereby minimizing the stress and cost to your grieving family. If you have minor children or adult disabled children it is even more critical to have an estate plan. Otherwise, the court system will be brought in to determine who will become the guardian over your children. A Revocable Living Trust is what we consider a “must have” document. The reason is that there is another option, and that is the government probate process.



- Durable Power of Attorney over Finances

A “must have document.” Most people have very little understanding as to what it means to not have this document. The term Durable Power of Attorney over Finances is a legal document that allows another person to transact personal financial business on your behalf. The most common need for this power of attorney is if you ever became incapacitated. No one ever wants to have this happen, but what if it did? Having someone you trust standing by just in case, will make sure that your financial life is maintained when you are unable to. Not having a properly written document could mean that your family may be forced to petition a court to be appointed as your legal guardian or conservator in order to gain the powers they need to care for you. Once you have this document, it is very important to keep it current by refreshing it every couple of years. We refer to this as a “must have” document. The ideal scenario is that you live your life and it's never needed. Can you give me one reason why you shouldn't have this document?

- Durable Power of Attorney over Healthcare

This legal document enables you to appoint someone you trust as your healthcare agent. This person will then be able to make medical decisions on your behalf if you can't make them for yourself. Not having this document can place a heavy burden on your loved ones since they may be forced to make tough decisions about your care at a time when they are already emotionally drained. Not only that, family members may disagree as to what to do, putting unnecessary strain on your family relationships. Everyone needs this document just in case it is ever needed. By not having this document, someone else that you may not like may end up making decisions for you! This is a “must have” document. The ideal scenario is you live out your life and it's never needed. Can you give me one reason why you shouldn't have this document?

- Advanced Medical Directives (Living Will)

The difference between this document and the durable power of attorney over healthcare is this document comes into play when the person you appointed as the power of attorney over your healthcare is either not present to make decisions or for whatever reason chooses not to. Your advanced medical directive allows you to spell out your decisions about how you want to be cared for in a life threatening situation. Making these decisions now when you are in control is far more preferable versus when it is too late. If you don't have this document and the medical center is unable to locate any family member who is willing to act on your behalf, they may have to ask the courts to appoint a person (a guardian) who will make decisions for you. This is a “must have” document. The ideal scenario is you live out your life and it's never needed. Can you give me one reason why you shouldn't have this document?

- Certificate of Trust

A certificate of trust is a document that summarizes the details of a revocable living trust. This document is “proof” that you have a trust and the authority the trust has over real properties and other titled assets that are funded into the trust. This document protects the integrity of the trust, shielding information from the public that the grantor considers confidential, for instance the identity of the beneficiaries.

## Step 2 – Everyone Has a Plan

Anyone who has an estate has a plan, whether they realize it or not. It's either the government's plan of probate or it's having a personalized custom plan with the "centerpiece" being a revocable living trust.

Most people don't realize the importance of having an estate plan and therefore resort to either having nothing or having a last will and testament. In either case, the estate is going to be subject to the probate court process.

It is also possible for people to have an estate plan with a living trust and still be subjected to probate court. One of the common mistakes made when having a living trust created is no one makes sure that the trust is properly funded.



## What Does it Mean for Your Trust to Be Properly Funded?

Properly funded means transferring titled assets into the name of the trust. Titled assets are assets that have the person's name on the asset. For instance, real estate, automobiles, and cash accounts.

In the event the deceased person has a will, it can be contested in court. If that did happen, for whatever reason, it will ultimately be a decision of the court as to how the estate will be settled which can lead to the "wishes" outlined in the will being misinterpreted. As a consequence, the estate might be settled contrary to the intentions of the deceased. This can happen especially if someone thinks they have not been treated fairly in the will, or if someone feels the deceased was coerced into making a will and naming heirs.





### Step 3 – The Government’s Probate Court Process

Even though laws vary from state to state, the requirements of probate are generally the same with some exceptions relative to filing fees, court costs, and estates that are filled intestate (these are estates of a deceased person who died without a last will and testament). The higher the cost of probate, the smaller the financial legacy will be for the beneficiaries.

#### An Outline of the Probate Process

- A formal petition for probate is filed in Probate Court and a fee is paid. Some states may have a different name for the court but regardless it is still called the probate process. Fees are largely dependent on the size of the estate and state laws can range from a low end of \$50 to a high end of \$1,200. You can check on the fees for the state you reside in.
- There’s also certificates that can be as much as \$20 per certificate and notifications that can be as much as \$300. Certificates are issued by the court with the seal of the court and are used to show financial institutions and other entities that certain people have been appointed by the court to assist in settling the probate case. Notifications are required to be sent to the beneficiaries, heirs, and creditors. This may include placing notices in publications in the area of the deceased.
- The petition may also include the person or persons’ names who are requesting the court to be appointed as the administrator or executor of the estate. When there’s a will, the personal representative will be responsible for this entire process; otherwise, the family will hire a legal representative to manage the process. Where there’s no will, the court will appoint a representative to oversee the process, the cost of which will be paid out of the estate.



## What Will a Personal Representative Be Responsible For?

The representative will be responsible for:

- Cataloging all property of the deceased (including real property and personal property)
- Paying any debts, claims, or taxes that are due
- Collecting rights to any income (royalties, stock dividends, etc.) to which the deceased was entitled
- Settling financial and property disputes
- Filing the deceased's final income tax return
- Filing the estate tax return, if needed
- Preparing an accounting of estate assets and expenses
- Litigating creditor's claims
- Distributing or transferring the remaining assets in the estate to heirs.

A personal representative of an estate may be required to post a bond to serve. The "cost" of the bond will depend on the value of the estate and the personal representative's credit score. It goes without saying that the worse the credit score the more the representative will pay for a bond.

The Petition for Probate must be served on all beneficiaries named in the will, if there is a will. In the event there's no will, it must be served on all intestate heirs of the decedent. There may be special procedures required in the particular jurisdiction and if so, the court will provide that information.

Once the personal representative is appointed at the first hearing (assuming there are no challenges to the appointment) the Court will issue testamentary letters to the personal representative. This court document will empower the personal representative to enforce the terms of the will when dealing with banks or real estate agents and anyone else that might require proof before cooperating with the personal representative of the deceased's estate. This document gives the court authority to act on behalf of the deceased's estate.

After appointment, the personal representative will have to serve a notice to all known creditors of the decedent. It can vary from one state to another, but the creditors then have several months from the date of service of notice to file a claim. After this time period has passed, "technically" their claim is dropped.

Next the personal representative will have to prepare and file with the court an inventory of all of the estate assets. All assets of the estate must appear on these attachments. Certain assets may require appraisals such as real property, antiques, jewelry and automobiles.

This process is very detail-oriented, time consuming, stressful, and costly. If someone in the family takes on the responsibility of being the executor of the estate through probate, it will

become a job. As a result, many families have to face the reality of hiring someone to administer and work through the process. These fees will have to be paid out of the estate.

One aspect of the probate process that most people are unaware of is the fact that the estate is open to the public. The court system is a part of the public domain, making the probate case available for the world to see.

## What is Theft Beyond the Grave?

It is not uncommon for people to have their identity stolen after death and used for unlawful purposes. The term is called “theft beyond the grave.” While most people are aware of the problems associated with identity theft, very few people realize that identity theft doesn’t just impact the living but the dead as well. It is not an uncommon problem and it can affect income tax returns, false credit accounts being set up, and title theft, where someone transfers the deceased person’s ownership in property to someone else’s name. It happens, Google it and find out for yourself.

While the odds may be against it happening, the possibility still exists. It is also common for companies to take the data on a deceased person and sell it to vendors who then approach the family with offers to buy or invest in something. There’s money made on data even on people who have passed!



## Step 4 - How Your Own Customized Plan Bypasses the Probate Process

As complicated and detailed as the probate court process is, it can be avoided by taking a little time and making a small investment into a revocable living trust. A revocable living trust is a legal contract that can be revoked or changed at any time during the life of the creator (grantor).

What people need to understand is “how does an estate in a living trust bypass probate?” If you take it for granted that simply telling someone that having a living trust will keep their estate from probate court, you are mistaken. More often than not, the person may acknowledge what you have said and then wonder how that could be possible. You have to eliminate any possible doubt in the person’s mind that what you are saying is factual.

To fully understand why and how this works, it’s important to understand what probate court does. The process of probate is very detailed; however, what the court actually does is fairly simple.

### What is Probate Court Designed To Do?

Probate court is designed to do the following:

- Pay outstanding debts and make sure a final income tax return is filed. Any debts that are verified are paid out of the estate of the deceased.
- Assign guardians for minor or disabled children (if necessary)
- Distribute the assets of the estate according to the wishes stated in the will or if no will exists, distribute the assets of the estate according to the laws of “Intestate” which can vary from state to state.

That’s it for the responsibilities of probate court. So, how does a living trust bypass this process? Simply by doing the things that probate court would normally have to do.

- The difference between a will and a trust is significant. A will is a “wish” document, not a contract. Therefore, it is still subject to probate court. A trust is a legal contract where a single individual or married couple decide how they want their estate settled including who will get what, when, and how. The document is signed, witnessed, and notarized making it a legal contract thereby accomplishing what the probate process would have been responsible for.

It sounds so simple, and it is, so why don’t people “wake up” to this reality and take a little time to get their plan done?

Generally speaking for one of two reasons.

- Either they have no idea this is the case. This holds true for about 80% of the population. When asked the question, “do you know which plan you have, either the

government's or your own?" The response in virtually all cases is like "a deer in the headlights." In other words, they look at you with a puzzled look on their face that says "what are you talking about?"

· They have been informed about the importance of having a will and procrastinate. This is true for a majority of people who do understand the value of having a last will and testament and yet have never gotten it done. What these people have never been told is how a will actually works, meaning the estate is going to go through probate court.

The two reasons can be summed up in two words: Unawareness & Procrastination

Unlike the probate process where heirs receive what the court determines they are entitled to all at once, the trust can have special provisions to protect beneficiaries as well as the successor trustee (in the case of a married couple, this would typically be the surviving spouse).

Protective provisions include "spendthrift provisions" which are designed to protect a family member who is unable to manage his or her finances appropriately. Spendthrift provisions are also excellent for protecting assets from the creditors of a beneficiary – even when that heir has a large amount of debt. The beneficiary's interests are held in trust until such time as their issues have been solved.

Another benefit of having a revocable living trust is that until such time as you pass, you will be able to make changes and keep everything current as life's circumstances may dictate. When the day comes and you pass from this life, your revocable living trust will then become irrevocable so that the decisions you made while living will be carried out in the precise manner you wanted.

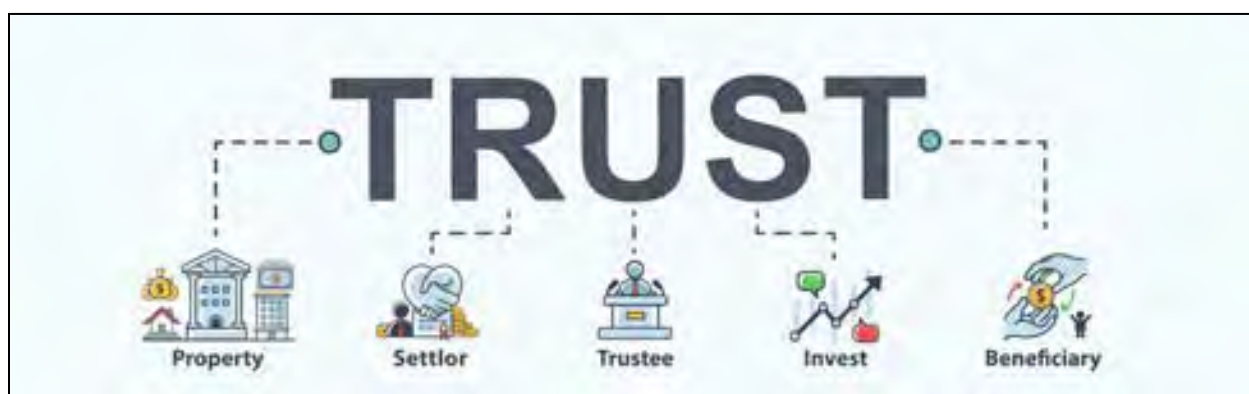
## Step 5 – Your 1<sup>st</sup> Goal in the Estate Planning Goal Setting Process

The first goal is to simply get your prospect to acknowledge the fact that having their own plan is better than the government's plan of probate. This is a very simple goal to achieve. It doesn't require that you sell the plan but simply to get your prospect to say, "Yes, I now understand why having my own plan is the better of the two options."

Start by asking the question, "Were you aware of the fact that everyone has a plan?" Yes, no or what do you mean will be the response. If the answer is "what do you mean?" You get into the explanation. If the answer is "no" you get into the explanation. If the answer is "yes" ask them to explain how they know. You will find out that they don't really know or they only have a very basic understanding of what you mean.

Regardless of the response, you are going to give a detailed explanation. With everything covered in this booklet thus far, you are well prepared for walking your prospect through the process of understanding their only two options. Specifically, you are going to explain in full detail what the probate court process is all about. If you take short cuts or cut corners, your results are not going to be what you are seeking. This process is designed to help you convert 100% of your prospects into estate planning clients. Having an estate planning client will endear that person to you far deeper than having a client for an insurance policy, annuity, or other form of investment. The estate plan will lead to many other opportunities as well as create a perpetual flow of referrals to your practice.

Given the choice (and you do have the choice!), can you think of any reason why the choice for you and your family would be the government's probate process? This is when you will get an acknowledgement that having their own plan would be their choice. Congratulations! You are successful in realizing the first goal in this process and you are 95% of the way to converting your prospect to a client.



## Step 6 – Converting Your Prospect to an Estate Planning Client (Closing the Sale)

You are astute enough to be able to “read” your prospect. If you have maintained their attention, you will be able to gauge their level of interest. If you don’t see a true interest, stop. Ask them what they are thinking. They may be overwhelmed by all you have told them. This is not unusual. It is a lot for people to grasp but at the end of the day, it is still pretty simple. Understanding the only two options and why having a custom plan is the plan of choice over the government’s plan is easy for people to grasp.

The challenge is “what do they do with this information now that they are informed and realize what they should do.” This is where you come in. You need to assume the role of being the “quarterback.” Your prospect has been educated and acknowledged the fact that having their own plan is the way to go. So what’s next? Making the decision to get it done. Ask this question, “Can you think of any reason to not get this done?” If they say no, proceed to enroll. If they want to think about it, continue the conversation.

This is when you have to be serious and passionate about what you are talking about. If you truly care about the welfare of the person and their family, you have to press a bit to get them to understand that the only thing to think about is their options for getting their plan done. Let them know that your goal is to simply guide them through the process of getting their plan done. It’s not to sell them anything. You want to make sure they understand that your desire is for them to have their financial affairs in order once and for all so they get on with living the good life.

### When Do You Think is The Best Time to Estate Plan?

“Now” is the only logical answer given no one knows what the next moment may bring. When you wake up tomorrow, it will be today. No one enjoys thinking about their mortality or the possibility of becoming incapacitated. This is exactly why so many families are caught off-guard and unprepared when incapacity or death strike. Deciding to get your life in order by planning with the end in mind brings a peace of mind that is priceless. Estate planning is one of the most thoughtful and considerate things you can do for yourself and for those you love.

If COVID taught us anything it’s that we never know what tomorrow holds. Ask anyone if they are sure that they know what tomorrow holds and the answer will be no. What’s your prospect really saying? What is there to think about? What are their plans when it’s too late? Don’t be bashful when it comes to asking these questions. If you truly care about the welfare of the person and their family, you have to press a bit to get them to understand that the only thing to think about is their options for getting their plan completed. They will agree. No one should make an important decision like this without knowing their options. For that, let them know that they are wise to want to understand their options.



## Options for Estate Planning

One is to do nothing and procrastinate. This is simply people being people, we are creatures of procrastination. This time, however, you can make a difference and let your prospect know that no way are you going to allow that to happen. You wish them good health and a happy life for many years to come but in reality, no one has a crystal ball to predict what the next moment holds, much less tomorrow. Fact: We have licensees who have learned from experience when watching a client family dealing with probate and all of the challenges it presents to realize that no way were they going to allow that to happen again. Ask your prospect if they have ever known or heard of someone having to deal with probate and if they have, they won't have anything good to say about it. Go back and walk through the probate process explained earlier. It is not easy, it is not fun, it is not convenient, and it is expensive.

You then proceed by explaining that they really only have 3 options.

### 1. Estate Planning Attorney



First is to go to a traditional estate planning attorney. If that is their choice, congratulate them by expressing the fact that the most important thing is their decision to get it done. If they get their plan done, your goal has been achieved. I realize that you haven't profited by them going to an attorney and that's fine. Remember successful goal setting in our system has nothing to do with how much money you earn, but rather educating people to get their estate plan completed. You achieve that goal and the rest will come easy.

But before you go onto the next option, complete the process by explaining the consequences of going to an attorney.

“If going to an attorney is your choice then that's fine; however, let me explain a couple of things to expect.”

1. The attorney controls the process meaning it is on their time even if it inconveniences you.
2. Attorneys use software, no one writes documents anymore. Law firms use software that they purchase. You complete a questionnaire and someone from the lawyer's office enters the information into their database and the software populates the documents.

3. The process can take from a few days to a few weeks. Not because the process actually takes that long. Once you complete the questionnaire and the information is entered into the software, the documents can be generated immediately. By taking more time than necessary, the cost to you can be better justified.
4. The signing and notarization takes place which is generally in the attorney's office. They put your documents in a nice folder, say congratulations on getting your plan done and you are on your way. They do provide you with instructions on how to get your trust funded and in fact encourage you to get it done. **However, approximately 80% of trusts created by law firms are never funded and therefore worth very little.**
5. Any time you want to make changes or get your plan updated, there will be additional legal fees.
6. If you relocate to another state, it is advisable to go to an attorney in that state to make sure your documents are current based on the laws of that state. This will require additional legal fees.
7. With all this, the #1 most important thing the law firm is going to do is provide you with an estate plan. It will be up to you to get it funded which is critical in making sure your estate isn't subject to probate court.

## 2. Online Estate Planning Websites



The second option is to use one of the online websites. Due to the popularity and market demand for estate planning, venture capitalists (VC's) have invested hundreds of millions of dollars to fund technology start-ups to go online and get a piece of what is estimated to be a \$35 billion dollar market. VC's are interested in one thing: investing money and making a profit short term and getting out by selling the business. These sites invest millions in marketing to draw traffic to their site. The price is appealing to draw people in. However, once you purchase you are on your own. They typically offer a "chat box" where you are communicating with a customer service person who may or may not be able to answer your questions correctly. The technology is complicated to navigate, oftentimes frustrating buyers to the point that they stop and sometimes even give up. Some of these sites are also lead generators to get you to talk to an attorney which increases the cost.

These sites are direct to consumer and come filled with disclaimers. You get a questionnaire with some questions resulting in what would be considered a very basic document template. When other features or benefits are needed you're either going to be directed to an attorney or pay additional fees to get what you want.

Here's some more points to keep in mind. Anything offered at a cheap price is cheap and a sign that the company behind the offer is profiting in other ways off your personal information. When you register into one of these systems the process of them collecting your information begins. There's large profits to be earned either through 3<sup>rd</sup> party advertisers or companies who pay for the data that is collected any time you visit the website.

The old expression "if it sounds too good to be true then it probably is" is fair warning. Every company is in business to profit. When you see cheap, you can rest assured profits will come from someplace else. Some of the largest online companies profit by collecting consumer data. The data that comes from estate planning is extremely valuable to a lot of institutions and marketers.

### 3. Work With You



The third option is to work with you. "My firm has invested the money to get a software license to be able to offer you a comprehensive estate plan in a convenient, simple, and affordable manner. This technology company has been providing comprehensive estate planning nationwide for over ten years; however, they don't deal directly with the public. They invested millions of dollars to fund the development of sophisticated software that is comparable to law firms, but with more features and benefits. The platform they provide was built exclusively for insurance and financial professionals so that I can now provide this opportunity to you. The reasoning behind working with insurance and financial professionals is simple; who is more qualified to work with someone on their financial estate than someone who is licensed in this area? It's not an area of specialization for attorneys."

“With this software, we can get you all the documents that make up a comprehensive estate plan with other benefits and features. For instance, you get an electronic vault to store all your paper documents for easy access 24/7. This includes documents other than your estate plan. You will recall I told you about the importance of funding your living trust. That is making sure that your titled assets are named into your trust. This is something that law firms do not do. They encourage you to get your trust funded and even give you brochures to show you how, but it is up to you to get it done. With my software, we provide a funding kit along with the vault to make funding and keeping your documents current easy.”

“My way is convenient, we will work with what works best for you. My process is simple. Lawyers tend to complicate matters to justify their fees. Estate planning documents require certain language but the process doesn't have to be difficult or challenging, it just has to be correct. This technology is recognized nationally as the #1 choice for comprehensive estate planning when working with an insurance or financial professional.”

## What Makes the Opportunity for Your Clients the Nation's Best

1<sup>st</sup> It's convenient and accessible 24/7 via our cloud based software platform. All the language was provided by estate planning attorneys to our team of developers who built the software. You never write language. You simply complete our questionnaire which has a tutorial to answer any questions you might have as you go through the process. The documents are state-specific as determined in the questionnaire when you select the state you reside in. The process is very straightforward and user friendly.

2<sup>nd</sup> So what could be better than being convenient? How about affordable and inexpensive as compared to the traditional approach for getting a comprehensive estate plan! You aren't paying for an attorney's office and staff overhead. Law firms use a questionnaire and software to produce estate planning documents. In a similar way, our process uses a cloud based software platform without you having to pay the high cost of working through a law firm.

3<sup>rd</sup> Simple is always better. Our process is made to be simple. There's no law that says the language has to be complicated and confusing. The law says that your wishes have to be documented in the living trust which is exactly what our software is programmed to do. You can make your intentions known without having to confuse the process with a lot of legalese.

4<sup>th</sup> How good is it to have documents and not be able to access them at any time? Not very good. That's why we provide you with a cloud based secure document vault. You store and keep your documents safe and easily accessible 24/7. You can also store other important documents you may want to be able to access from time to time. With our system, you always know where your important papers are. You can also make unlimited changes and restatements with our platform. The average person is going to make several changes during their lifetime that would otherwise cost thousands in additional legal fees.

5<sup>th</sup> Our system makes funding your living trust simple and convenient with your own personal funding kit. Law firms will provide you with information as to how and why it's critically important to get your trust funded, but that's where it stops. As a result most trusts completed by law firms are never funded and therefore worthless. With our platform, you receive a funding kit that guides you through the process of transferring titled assets and personal property into the name of your trust. We have made the process quick and user friendly.

“Can you think of any reason why you wouldn't want to take advantage of the opportunity to get your plan done once and for all so you can get on with your life knowing that you have your plan in place?” Let's get it done.

If there's still some hesitation, proceed with “let me show you how great our software platform is to work with.” You issue them a free trial for 30 days. No credit card, no threat to them, it's

easy. Begin walking them through the free trial. To make sure you are comfortable with the free trial process, issue yourself one and work with it to make sure you understand and are comfortable with each step in the process.

Once you have gone through a good part of the interview, scroll through the tabs to explain what each one means. Close with “you already told me that having your own plan is your choice versus the government’s plan and now we are well into the process. We can get this completed and put away in short order. Let’s do it”! If you are confident as the quarterback, ask “what credit card do you want to put this on”? Top producers close with affirmation letting their clients know that they are 100% dedicated to protecting their interest and in this case it is the interest of the family’s estate at stake.

If you have followed this process step by step, not skimming over the details, you are going to have an estate planning client. That one client will be the source of referrals going forward for your business.



## Step 7 – Creating a Timeline to Get the Plan Completed

We are creatures of habit and one of the most common “bad” habits we have is to procrastinate. Now that your estate planning client has purchased their plan, you need to lay out the timeline to get the process completed.

The first step in the process is for the client to complete the interview. The common question is “does the client do this on their own or what?” The answer is, it depends. This much for sure, you need to walk your client through the process so they understand how it all comes together.

First, they get the email congratulating them on their decision. We have a video in your back office that explains in detail how to put in a sale and onboard a new client. Take the time to understand how this works so you are comfortable when working with your client. That said, use your own judgment as to how much assistance your new client wants or needs. Give them a deadline for when you want to reconvene to go over everything and to make sure they are ready to generate documents and get them executed. Don’t allow your clients to procrastinate and push back the timeline. The sooner it’s done, the sooner you will be able to assist in making sure their trust is funded and the sooner you will be gaining referrals. We hear stories all the time about people procrastinating until it is too late.



## Step 8 – Generating Documents and Getting Them Executed

Once your client is happy that everything in the questionnaire is completed according to their wishes, schedule a date and time to generate the documents and get them signed. They will need two witnesses and a notary. The ideal scenario is for you to be with them for the signing. You get to meet their witnesses and the notary as well. In the event you are the notary, you still get to meet the witnesses. Make sure the witnesses are not named in the trust. The two people can be friends, neighbors, strangers, or relatives provided the relatives are not named in the trust.

The signing ceremony is when you are able to let it be known how happy you are for your client making the decision to get their plan done. This is a celebration. Consider organizing a “signing party” for your client to memorialize the occasion. Plus, those who attend can become new prospects for you after they see the good you’ve done for your client. You never want to thank your client, but rather congratulate them for being wise and getting this done. They will thank you which is what you want! You will be surprised at how often the witnesses turn into estate planning clients as well when they witness the feelings of accomplishment associated with knowing that no matter what tomorrow brings, being prepared brings peace of mind.





## Step 9 – Funding the Trust



This is where you can provide direction and advice that would not come from an attorney. The funding process is what creates the real value of having a living trust and that is to keep the estate out of probate court. While attorneys are great, using their software to generate documents, our software can generate a comprehensive set of documents and aided by our proprietary funding kit, the process of transferring titled assets into the trust and making sure it's properly funded is quick and easy. We like to refer to our funding kit as the “magic sauce.”

You need to invest some time to study each part of the funding kit to make sure you understand each step in the process. You always want to communicate with your client with confidence and certainty. Specifically, you need to make sure all your client's assets are known so you can advise them accordingly as to what needs to go into the name of the trust and what doesn't.

Personal property does not fall under the titled assets category and thus can automatically pass to the beneficiaries. However, if any items of personal property are bequeathed to come out of the trust and go to certain people or organizations, those items will need to be included in the interview process under the bequest tab which will then populate their trust accordingly.

## Step 10 – The Referral Process

Asking for referrals:

The four most powerful words in the world of sales are “who do you know?” Yet very few agents or advisors use them. In fact, statistics tell us that approximately 85% of insurance and financial service professionals seldom if ever ask for referrals. Referrals are your best prospects not to mention it is one of the highest forms of flattery anyone can give you.

So why aren't the words “who do you know” used more often?

One excuse is “I hesitate to ask for referrals because I don't want to bother my clients.” Another one is “I don't want to impose.” Still another one is “I don't want my client to think I need their help, I never want to come across as needy.”

While it is easy to understand this way of thinking, it's wrong.

When you make it easy and risk-free for clients to refer your estate planning services, you are doing them a favor!

Why is that?

It's a way of helping people we know and care about. How often do you discover a great restaurant or see a great movie and can't wait to tell close friends or family? It happens all the time.

That said, referral marketing is the best, and the beauty about estate planning is that it will create a natural flow of referrals. How many referrals would you expect to get from 50 people who invested in life insurance or an annuity with you? From what everyone tells me, very few. Compare that to licensees who have 50 or more clients who purchased their estate plan from them that have a constant flow of new business. Estate planning is a natural self-feeder for referrals.

When someone takes the step to get their estate plan done with you, they are doing the right thing. If you followed our sales process correctly, you played a huge role in helping your client make the right decision. You educated them on what their two options are and they agreed that having their own plan is far better than the government's plan. You need to congratulate them for being wise. How do you think they will respond? They will say thank you!

Sample follow-up: “do you have family members or friends who are wise like you who might want to learn more about why it makes sense to have a custom plan versus the government’s plan?” The worst response you could ever get when you ask them if they would help you is “no.” Not many people say no when someone asks for help. They may say it depends, let me give it some thought, but seldom will they say no.

Trust me, this works.

You can also ask your client if they use Facebook and if so, ask if they would be willing to post on their Facebook page that you provided a great educational program for their family regarding the importance of family estate planning. A sample post could be: “I was recently told that I either had the government’s plan or my own plan. I had no idea what that meant.

\_\_\_\_\_ educated my family on what it means – that everyone has the government’s plan unless they get their own custom plan. The information was shocking and at the same time very valuable. The consultation was free and the information was priceless. I highly recommend my friends learn what this all means. It affects all of us, you need to know.”

### **Follow the Money Process**

Asking for referrals is a much easier way to populate your sales funnel; however, it never hurts to be proactive to gain more prospects. A popular method is what I call, “follow the money.” Here’s what I mean.

Anytime you are doing business with someone and paying them money, you have a captured audience. When you are handing someone money, you have their attention and they will listen. This is not “cold calling,” just the opposite in fact. Money captures anyone’s attention.

What do you say? “Has anyone ever talked to you about the plan the government has for you if you don’t have your own plan?” “Have you ever had to go through the loss of a loved one or family member?” These are just a couple of examples. Either of these examples or something you come up with on your own will open the door to a conversation that you can build on.

Follow the Money is one of the best prospecting strategies I have ever used! The worst thing that can ever happen is the person thanks you but says no. It’s difficult for someone to be rude to another person who just bought something from them. Used on a consistent basis, it works.

## MARKETING

Strategies for Marketing/Educational Workshops

### **A Life Well Lived...is a Life Well Planned**

You are invited to attend a FREE discussion on these important topics.

Facts: Death takes no holidays

Death never comes at the perfect time

Did you know that you should have more than a will when you die?

Are you aware that death is like an earthquake to a family and the aftershocks can be even worse?

Do you know how to keep the government out of your family affairs after you die?

**How would you rate these words according to how important they are with 10 being the most important?**

Burden – do you want to leave a burden for others to bear?

Peaceful – do you remember the words from a popular Eagles song, “I got a peaceful easy feeling and I know you won't let me down”?

Complete – do you prefer things done or undone?

Legacy – how do you want to be remembered?

This is one workshop you don't want to miss!

## Educational Program Strategy – Planning for Life after 60

The program is divided into two parts.

- 1) Discovery and education
- 2) Discussion and evaluation for asset protection and estate planning

The presenter starts the workshop with a brief introduction and thank you for being a participant. Let it be known that the goal is to collectively go over some questions and see as a group whether we agree or disagree on our answers.

### Part 1

**Question:** How do you define the word “plan” and why do you think it is important to plan? You solicit the audience to get their responses and either write them on a flipchart or white board. Once you have collected the answers provided by the group, you put up your answer.

**(Your definition will be “a method of achieving a desirable end result.”)**

**Question:** What are some areas of life that people plan?

**(You will invariably get different answers that can be grouped into categories. For instance, staying active could include exercise programs, vacations, hobbies, etc. Encourage a discussion around each suggestion.)**

Finances: Why do people plan their financial life? The most likely response is so they can hopefully live out their lives in the manner they are accustomed to or desire. **Discussion on what that might include and what people need to understand.**

Staying active: Harvard University 75 year research program with 727 people. Their goal was to determine what led to longer, healthier lives. They interviewed each person annually and found that people who stayed socially connected and active in their relationships with others lived longer and enjoyed healthier lives. Discussion on why staying active is important.

Health: Some people live each day as it comes without making life changes to support a healthier life. Today, more than ever, people are making an attempt at living a healthier lifestyle.

**Question:** What do you think prompted the shift with more people trying to live a healthier life?

**(Our goal is to get them to say that people today are more informed about the outcomes of being healthier.)**

Healthcare options: In a very general sense, people understand Medicare and Medicare supplements.

**Question:** Is it safe to say that people understand what Medicare will and will not cover? This will trigger a discussion.

End of life: Every life has a life cycle. There’s a beginning and the end. We have no idea when that moment comes.

**Question:** What does end of life planning mean? Our goal is get everyone to agree on all the matters concerning the end of someone's life including final expenses and the decisions as to how the person wants their end of life to be treated and how they want their estate to be handled.

**Question:** To what extent do you think people need to go when it comes to planning their end of life? Nothing, somewhat, or total? Why?

**Question:** How many areas of someone's life should be considered for end of life planning? Our goal is emotional, legal and financial.

**Question:** How can someone plan to minimize the emotional stress on their family?

**Question:** Do you believe that when there's a way to lower the emotional stress on the family that it makes good sense to do it?

Part 2 of the group workshop is going to be about a revolutionary manner for individuals and couples to be able to have a simple, convenient and affordable way to get their financial and legal "house in order" while there's still time. Before we get into part 2 however, it's critical that you understand the different aspects and basic terminology that cover the legal and financial aspects that are directly related to end of life planning.

**Question:** What goes into planning as it relates to the legal matters?

- The legal document requirements specific to the individual include durable power of attorneys over finance and healthcare. An advanced healthcare directive is also a necessary HIPAA document. You will put these on the screen and have sample copies as a part of the package you give to the attendees to take home. People are also encouraged to have either a will or living trust to complete the legal documents that make end of life easier for the family to handle matters.

**Question:** What goes into planning as it relates to financial matters?

Transferring assets from one generation to the next can be done in several ways. That said, anything dealing with financial matters also brings into play the emotional aspect of end of life planning and in most cases financial can invoke the highest degree of emotions. It is not uncommon for families to "fall apart" when it comes to the financial estate of the deceased.

- Transferring assets in the simplest manner requires either a will or a living trust.

What happens when someone passes with neither a will nor a living trust?

The state the person resided in has specific laws as to how to handle the deceased's estate. This is called the government's plan and the government takes a portion of the estate. Court and legal costs can range from 3% to 8% of the value of the estate. It can be more if the probate process is challenged. The process requires time during which surviving family members who may be entitled to a portion of the deceased's estate will

have to wait. The deceased's person's estate is also open to the world since anything associated with the court system is public information. In the olden days a person would have to go down to the courthouse to view someone's records; however, today everything is digitized and available to the world via the Internet. To protect information concerning someone's personal and financial estate, a living trust is required to bypass probate court, most commonly referred to as the government's plan for your estate.

- When someone dies with a will, virtually in all cases the estate will go through probate court. The will is a wish document and not a contract therefore requiring the estate to go through probate court. As a matter of education, life insurance and retirement accounts that name beneficiaries are not subject to probate court. Any assets that are designated via the will to pass to beneficiaries are subject to probate court. Assets in states other than the state where the deceased lived require separate probate in the state or states where the assets are located.

## Terminology for Estate Planning

### Last Will and Testament

A last will and testament is a legal “wish” document that communicates a person's final wishes pertaining to possessions and dependents. It is not a contract and can be modified based on the findings of the probate court. This can occur if someone questions anything concerning the will. A probate court judge makes the final determination based on the findings of the court proceedings.

### Testator

The person creating a will for themselves.

### Executor

A person or institution appointed by a testator to carry out the terms of their will.

### Living Trust

A living trust is a legal contract in which one or more people manage or take care of property for someone else's benefit. As the owner of the living family trust, you can manage, control, and take care of all your assets under one “umbrella.” The trust is a contract versus a will being a wish document. Your living trust is not subject to probate court. You avoid all that is necessary when you only have a will including court costs, time delays, and personal privacy of the deceased's estate.

### Joint trusts for children and grandchildren

You decide when, how, and what your children and grandchildren receive whatever you may want to give them.

### Spendthrift Provisions

A "spendthrift provision" is a provision in a Trust that protects a beneficiary from assigning away his or her inheritance and it also protects against a creditor attacking the beneficiary's inheritance.

### Durable Power of Attorney over Healthcare

No one can predict every eventuality, so it is important to have someone you trust in place to make the hard choices you didn't foresee.

### Advanced Healthcare Directive (Living Will)

An advance healthcare directive is a legal document in which a person specifies what actions should be taken for their health if they are no longer able to make decisions for themselves due to being incapacitated.



## Grantor

The person who owns the trust. In the case of a couple, the trust is a two grantor trust.

## Successor Trustee

The Successor Trustee of your Trust controls and manages the trust for the benefit of the Trust Beneficiaries according to the wishes of the grantor. The successor trustee can be an institution, individual, or a committee. An alternate is generally named in the event the successor trustee is unable or unwilling to serve.

## Beneficiary

A person, organization or institution who is designated to receive something from a trust, will, or life insurance policy. Contingent beneficiaries are named in the event the beneficiary predeceases the beneficiary.

**This concludes part 1 of the workshop.**

## Part 2

I am in the business of educating people on how to make the best choices possible when it comes to their financial well-being. As a subject matter expert of financial matters, I am also an authority on what it means to have a plan for end of life and how to best go about getting that done. Our belief is that by doing so, the emotional stress on a family is going to be lower. We believe the way to accomplish this objective is through modern day communications and internet technologies.

**Background:** Roughly 15 years ago a national consulting firm did a study on what the financial and insurance sectors of American business culture had to look forward to. The findings clearly pointed out that communications and internet technologies would impact how people would be conducting their financial affairs in the future as compared to how they had been done in the past.

The findings were significant.

- More people are banking online, without the need for going into a bank and working with a teller.
- Lobbies of banks have most of their teller windows closed off simply because they aren't needed anymore. In the future we will see more and more banking kiosks as banks look to lower their costs.
- The internet serves as a way for people to invest.
- Banking and even transferring money via digital communications and e-signatures.
- The generational transfer of wealth will be roughly \$60 trillion dollars.

The topic of generational transfer of wealth got our attention. What exactly does this mean and what will the results be? Fact - most people have little to no clue as to how this is going to work and what potential impact it is going to have on their estates and families.

Here is the shocking truth about Americans when it comes to planning their end of life.

- According to Gallup polls, only 44% of Americans have a will. The number typically rises when a significant event occurs. For instance, COVID-19. The number of people getting a will and estate plan has increased exponentially.
- Over 75% of the estates in America are going to be subject to probate court for 1 of 2 reasons.
  1. The individual or couple do not have a living trust.
  2. The trust they have is either not funded or not current.
- Not having a living trust pretty much guarantees the estate will go through probate court. Probate court costs money, time, and privacy. Here are the steps for probate in Arizona.

**Question:** Now that you know that we all have a plan, either the government's or our own, which one of the following do you think is better?

To not have a will and be under the laws of the state you reside in?

Have a last will and testament?

Have a living trust?

As a visionary business realizing that the future was going to be significantly different than the past, we decided to incorporate comprehensive estate planning into our business. We use the nation's #1 provider of comprehensive estate planning so that we can be certain that what our clients' estates are benefiting from is the best in class. Our platform has been built to make the process easy, convenient and affordable with the focus on being comprehensive and designed to meet the needs of people regardless of how large or small their financial estate is as well as unique benefits that address specific issues such as special needs.

Watch the screen and we will give you a preview of what we are talking about.

- Sign-in
- User interface
- Customer interview
- Ease of flow
- Specific tabs that address key areas we have talked about
- Funding the trust
- Keeping the documents current (our documents are for a lifetime with no additional cost for updating as life's circumstances may dictate).

## Estate Planning Workshop Strategy

The purpose of using the term workshop as compared to seminar is that seminars are generally recognized as a sales presentation. Whereas, workshops are considered to be learning experiences.

### Creating an audience

- Grassroots marketing – distributing flyers in retirement communities or neighborhoods. Emphasis workshop and this is not a sales presentation.

Sample ideas for promotion:

Did you know that everyone has a plan, either the government's plan or your own custom plan? If you aren't sure you understand what that means, you need to attend this workshop.

Advertise – a post card type mailer that targets the audience you want to attract. Have the workshop at a local restaurant (nothing fancy) where you can negotiate a meal including tip for \$15. Require a reservation to attend and limit the audience to 25 including husbands and wives.

Promote no more than 2 weeks in advance and make the offer with 3 options. The first day for dinner at 5:30 or the following day at 11:30 for lunch or that evening for 5:30.

Keep the meal simple and the room set-up with you presenting from the front and tables aligned for everyone to be able to see.

Print out our booklet "Understanding Estate Planning" and make copies for all attendees. You need to have your contact information printed on the booklet. Put the booklets at the front of the room where you will be presenting.

Have a screen and your laptop so you can show the booklet on the screen. The booklet is your workshop guide.

After everyone is seated (start on time), give your welcome talk with a little background on who you are. Emphasize that the workshop is for educational purposes only and that you will not try to sell them anything.

Handout the booklet and instruct everyone to not open the booklet until you direct them to do so. Once everyone has their booklet, it's time to turn to the first page, the quiz. You follow with this: "Attorneys tell us that most people acknowledge the fact that they realize they need something but just not sure what it is, a last will and testament or a trust. If you've ever wondered that for yourself, now's the time when we are going to find out. Take a minute and take the quiz and keep the results to yourself."

“I’m guessing that most of you, if not all of you, see the results of the quiz advising you to consider having a comprehensive estate plan so without any discussion on the results of the quiz, let’s dive into the subject. My goal and the purpose of this understanding estate planning booklet is to give you the information you need to make your own decision based on knowledge and not “hearsay” information.”

You then direct the audience to turn the page and you put the page on the screen.

“I’m not going to read what’s on the page, you can certainly do that on your own. I am simply going to paraphrase what’s on the page and answer any questions you may have.”

Here you will have a slide with the content of what you are paraphrasing for that page.

# estate planning



*Understanding the  
process and importance of  
having an Estate Plan*

## Yes or No Answers

1. I would like to leave instructions regarding what decisions to make in the event I become incapacitated due to an accident or terminal illness.
2. I would like to name someone as my Power-of-Attorney over my finances if I become incapacitated and unable to make decisions on my own. Don't know what a power of attorney means? According to legal definitions a Power of Attorney is a written authorization whereby you are authorizing someone to represent or act on your behalf in private affairs, business, or some other legal matter.
3. I have a child/children.
4. I have a special needs child/children or adult disabled child/children.
5. I want to determine who gets whatever I leave when I die whether it be money, real estate or "stuff".
6. I want to know that my family or significant others are taken care of in the manner I choose after I die.
7. I want to leave something to one or more charities when I die.
8. I want to leave a positive "Legacy."
9. I want to maximize the value of the estate I leave behind.

If you answered YES to any of the above questions – you should definitely consider having a comprehensive Estate Plan!

Estate Planning will enable you to make decisions regarding guardianship over any minor children or adult disabled children you may have. Estate Planning will also give you a peace of mind in knowing that you have removed a huge burden of stress that would face your family and loved ones at some point in time in your life. You can be comfortable in knowing that your desires can be carried out in a timely and efficient manner.

Estate Planning is for the living healthy individual and family. Your life will most likely be filled with changes and therefore you need to understand that your Estate Plan is an ongoing lifelong process. As your life situations change, you need to make changes and update your plan as necessary to keep pace with your current life and the choices that go along with it.

Bottom line, Estate Planning is a life-long process that involves:

- Making important decisions.
- Who gets what assets and when?
- What are your end-of-life choices?
- What legacy do you want to leave?
- Who do you want as your Trustee?
- If necessary, who will become the Guardian of your children?
- Who will make decisions for you?
- Deciding financial matters in advance.
- Medical issues.
- End-of-life issues.
- Organizing important information relative to your life.
- Keeping your plan current.
- Funding your trust and keeping it current relative to changes in your estate.



## UNDERSTANDING ESTATE PLANNING



An up-to-date Last Will and Testament or Revocable Living Trust are very important documents that should be considered “must haves” for everyone. Keep in mind that a Will generally means it will have to go through the expense and time delays of Probate Court. Further, a Will is a “wish document” meaning that different than a Revocable Living Trust, it can be altered through the Probate Court proceedings based on the decisions of the presiding judge. The Will only takes effect at the time of death, whereas a Revocable Living Trust is designed to provide certain benefits to an individual or couple during their lifetime.

The following are included in a Comprehensive Estate Plan.

#### 1. Revocable Living Trust

- a. Naming of a Trustee for the Revocable Living Trust
- b. A Living Will that states your Advanced Medical Directives
- c. Naming of a Guardian for your minor child/children and/or adult disabled child/children
- d. Instructions for burial / cremation and other end of life details

#### 2. A Durable Power of Attorney – one that “kicks in” and becomes valid if you become incapacitated. Here are the different powers of attorney you should have.

- a. Power of Attorney over financial matters
- b. Power of Attorney over medical matters – including HIPAA authorization

#### 3. Current and/or updated beneficiary designation forms for matters such as:

- a. Life Insurance
- b. 401(k) and other retirement accounts
- c. Other relevant assets

#### 4. Specific Bequests - The designees for who you want to get “what” and when they are to receive it.

**Note** – Even if you are single, with no children and no assets – having a Living Will makes certain that your wishes regarding end-of-life care are followed. A Durable Power of Attorney over your health will make certain that someone, not the Court System, can act on your behalf if necessary.

**To support a Charity or Special Cause** – If you want to make certain that a charity you support receives the financial support you want it to receive after your death, you can do so in two primary ways. First, by making a bequest in your Will. Keep in mind, a Will is a “wish” document and not a contract therefore it can be subject to Probate Court. Probate can take time, make changes in the wishes of your Will and it can bare legal costs. Second, by establishing a Revocable Living Trust and naming the charity as a beneficiary. With the Revocable Living Trust, you take Probate Court out of the picture meaning your intentions are carried out quickly.

**Provide financial support for your surviving family and friends** – A Comprehensive Estate Plan can provide you an efficient, timely manner for providing financial support for members of your family and any friends you choose as beneficiaries.

**Make sure your wishes / desires are carried out** – The only way you can be certain that your wishes – (regarding such things as distribution of your assets, guardianship of your children, end-of-life care) is to have a Comprehensive Estate Plan.

**Distribute assets in a timely, efficient manner** – Having a Comprehensive Estate Plan can avoid Probate Court meaning that your assets can be distributed in a timelier and less costly manner. Otherwise, closing an estate can take months or even years not to mention the expense, grief and stress that goes along with the process.

**Minimize costs** – A Comprehensive Estate Plan can avoid the costs of Probate Court and other legal costs.

**Make access to cash faster than having to wait for a Probate Court to finalize the distribution of your assets including money.** Many times assets have to be pledged, sold or otherwise liquidated in order to meet immediate costs. Consider this, if you own a business or have real estate that you do not want your beneficiaries to have to sell in order to cover expenses then you should consider having a Comprehensive Estate Plan including a Revocable Living Trust.

**Minimize stress and related problems for your family** – Your Estate Plan can help make certain that your family members have the financial resources available to them with minimal delay.

**Protect privacy** – Probate is public – so if your privacy is important – then you should consider a Comprehensive Estate Plan to avoid Probate Court and your information being subject to becoming a part of the public domain. In today's digital world with the Internet, information relative to someone's passing becomes public and can be accessible via the Internet. One of the fastest growing identity thefts is that of “beyond the grave”. Professionals operating in all corners of the world surf the Internet 24/7 to access information about people whose information is made known publically. Information can be accessed in many ways including a simple obituary about someone's passing. The thieves can often times find information including assets that could possibly be stolen from the deceased's estate by copying the person's identity. With the concern over identity protection becoming more prominent every day, we now have to be concerned not only about our identity while we are alive but also when we pass.

**Minimize confusion on the part of survivors** – An Estate Plan can make clear your wishes and desires regarding dispersal of assets, who you want making decisions regarding those assets and if necessary your financial matters in the event you become incapacitated. Other matters of concern include the guardianship of minor children and adult disabled children as well as the medical care you want need as you approach an end of life scenario.

**Protect your loved ones** – A Estate Plan can help protect those you name as beneficiaries from creditors and unnecessary expenses including Probate Court and other legal expenses.

**Avoiding Probate**– If you do not have an Estate Plan, your estate may be subject to excessive court costs and other fees and delays while your life and everything about you becomes a matter of public record, open for the world to see. Protection in case of your incapacity – If you were to become incompetent and/or incapacitated and unable to manage your financial and other personal affairs, not having Power of Attorneys over these matters can lead to the judicial system having to make those decisions on your behalf. Having a Comprehensive Estate Plan with these important documents can avert your estate from being subject to these legal processes and expenses.

**Remove the stress -associated with not having your personal and financial affairs in order** - With no plan in place, you may be leaving your family and loved ones the challenge of having to make “tough” choices including end-of-life decisions not to mention the loss of time and costs of settling your estate.

**Leave a positive “Legacy”** – How do you want to be remembered? Your Comprehensive Estate Plan will make going on with life so much easier for your family and loved ones. Family members are known to talk about their loss, although in grief, with positive words regarding how much they appreciate what their loved one did to insure their life was organized and thought out to the end. You may also want to consider doing a video of your life story as a positive reminder to those you leave behind.

**Protect loved one from themselves** – If there are family members having problems i.e, credit, drug or alcohol related issues, a Comprehensive Estate Plan can help them deal with the issues. For instance, the successor trustee can be instructed to hold inheritance until such time as the issues are either solved or go away. The successor trustee's assistance can include providing maintenance and support for whatever help that might be needed.

**Protection from creditors**– Having a Revocable Living Trust may prevent creditors from laying claim to a beneficiary's inheritance.

**Business planning**– If you own a business you want to make certain that you have a well thought-out plan for transferring that asset – whether that involves the sale of the business or having family members take over.

**Naming someone to manage the estate** – Having a Comprehensive Estate Plan allows you to name the Trustee as well as a Successor Trustee who is the person that will manage your estate. In addition, you can name an individual that will manage your financial matters in case you become incompetent or incapacitated by giving them a Durable Power of Attorney. Lastly, you can name someone to carry out your end-of-life desires through a Advanced Healthcare Medical Directive, another important part of comprehensive estate planning.

**Guardianship for your minor children**– Without a plan, the court will decide who will become their guardian. An Estate Plan allows you to name the guardian of your choice. This is an important decision to be discussed in some detail later in this booklet. Note that if you establish a Trust for your children the guardian and trustee do not have to be the same person.

**Special needs children** – If you have a child with special needs your Revocable Living Trust enables you to make certain that the child/children are properly cared for in the manner you choose. You are also able to appoint a guardian otherwise the court will do so.

**Taking care of a pet** – You can include a pet or pets in your Trust appointing someone as their care taker and leave an amount of money to insure they are cared for.

**Dealing with blended families** – If your family is a blend of multiple marriages and you don't have an estate plan, you are leaving everything to “chance” as to how your children will be cared for. With an Estate Plan, you determine what goes to your current spouse and to the children, whether from the current marriage or prior marriage or marriages.

**Keeping assets in the family** – A Revocable Living Trust enables you to make certain that your assets including any real estate, businesses, personal possessions etc., pass onto the people of your choosing including grandchildren.

**Retirement accounts properly handled** - An up-to-date Estate Plan will make certain that funds from retirement accounts are used to reflect your current desires.

**Assets in multiple states** – If you have assets in more than one state, it may be necessary to go through Probate in each state's jurisdiction. By having a Comprehensive Estate Plan this expense and ensuing time delay can be avoided.

**Dying without a will** – The worst case scenario. Dying without at least a Will means you risk putting the presiding judge over Probate court in a position to make decisions about how your estate is settled which may not be in the manner you would have preferred.

**Don't have enough assets** – Go back to the short quiz at the beginning of this booklet and see how you scored and the answer to this question should be automatic. The small investment you will make to get your Estate Plan in place will be well worth the benefits your family, friends and you derive from the results of having a well thought out plan. If your still not convinced that you should have an Estate Plan, in the least you should have a Will, an Advanced Health Care Directive, and Durable Powers of Attorney.

**Costs too much** – Yes, there are costs involved in doing an Estate Plan. The costs however should be considered an investment since not having an Estate Plan will likely cost your estate much more in addition to the potential costs of Probate court and the likely delay in getting funds to your family. Need I remind you about keeping your life private? How about the stress and grief left for someone else to straighten out when you haven't planned ahead? Getting your Estate Plan is an investment for peace of mind.

**Takes too long**– Doing an Estate Plan takes some time. But if you don't have an Estate Plan the consequences will be far more painful for your family and loved ones than the small amount of time you invest to get your estate planned out.

**Privacy**– This is a legitimate concern especially in the digital world we live in today where privacy is a major concern when it comes to someone's identity. Having a comprehensive Estate Plan assures you that your personal matters as related to your estate remain private and secure versus not having a Trust subjects your estate to Probate Court meaning everything about your life can become a matter of public record.

**Have family issues I don't want to deal with**– Estate planning can be most difficult if you have problems with your children or other family members. This can be exacerbated if there are multiple marriages and families. However, not planning is most likely to lead to even worst problems – not just after your death but if you should ever become incompetent or incapacitated, whatever problems and/or issues you have will only intensify. This is a time when the “pain” of doing the plan is much less than the “pain” of not getting your plan in place.

**I don't want to talk about money** – with anyone – The lack of communication within a family can be most destructive. Further, it may leave your heirs incapable of managing your estate – or even capable, knowing how, to take care of ordinary, everyday expenses. Find a way to communicate with your family – everyone will benefit.

**Have issues with giving my children money** – If you have concerns about leaving assets to your children either because you feel they will not be able to manage them or because they have life-style issues that are not according to what you desire for them, then having a Revocable Living Trust, a key component to a comprehensive Estate Plan, will enable you to choose how, when and under what conditions you require to be met in order for the child/children to receive anything from your estate.

**I'm single and with no children or any assets** – OK – but it is still most useful to have a Living Will with Advanced Medical Directives regarding end-of-life decisions, a Durable Power of Attorney and instructions regarding how you want your end of life to be handled.

**Not dying any time soon** – Right... death does not need a plan – it will happen when it will – ready or not – death is a scary topic – but better to be prepared than not. There's one sure guarantee in life and that is you will die and when is simply a matter of chance.



Establishing an Estate Plan involves making a number of important and often difficult decisions. The key ones include:

- Who gets what assets and when?
- Guardianship of your minor and/or adult disabled child/children.
- End of life decisions – your Advanced Healthcare Medical Directive detailing how you want your end of life to be handled.
- Naming who you want to serve as your “Power of Attorney.”
- Naming a Trustee and Successor Trustee.
- Legacy – how do you want to be remembered?

### **Asset Distribution**

Who gets what assets and when can be difficult and emotional decisions for anyone to make. It can be a struggle to determine what is best and fair according to your desires.

Here are some points to consider as you go through this process. If you still can't decide perhaps consulting with a family counselor or advisor will help you through this process.

1. Equal is not necessarily fair. Take into account what you wish to accomplish by leaving something to someone.
2. In leaving possessions, will the person want them? Care about them? Here's some advice, talk with your family members to get some idea as to what they might like. In this process, you may find that it is best to have your possessions sold and the funds distributed in the manner in which you choose.
3. If you own a business, consider having a succession plan for how you want your business to be handled.

### **Guardianship**

Naming the person or persons that will become the guardian of your child/children is a very serious matter. This is the person who will have responsibility for raising your child – for teaching them – and helping them grow up to become the person you would have wanted them to become. Note that if you do not make a decision, the matter can be left up to the judicial system to appoint a guardian on your behalf.



Factors to consider in making your choice:

1. The age of your child/children
2. Any special needs the child/children may have
3. The age of the potential guardian – will they most likely be physically and emotionally capable of taking care of the child/children? And keep in mind that this can change – grandparents young enough today may be too old in 10 or 12 years.
4. Will the potential guardian have the financial means to provide for your children – is there a way for you to make sure they do?
5. What is the emotional relationship of your children to the potential guardian?
6. If your children are old enough – perhaps you can see what they would want in the event something were to happen to you.
7. How disruptive would the move be? Same neighborhood? Different city/state?
8. If a family member will be named as guardian – how well do your children relate to that family member? The last thing anyone wants is for sets of parents or siblings fighting over your children.

If they are old enough, talk with your children as well as the potential guardian and any other family members or friends who might have thought they would be named as the guardian. If the time comes, you want your children in a situation that minimizes stress and works for the betterment of your child/children.

Note that if you are leaving money for the care of your children – it is not necessary and in fact may not be advisable that the guardian also be the trustee for the children's beneficial interest in your Trust. Someone who makes a good “parent” may not necessarily be the best trustee. Making the guardian and your trustee different people can provide added protection to insure that your children receive what you intended for them to receive. Through your Revocable Living Trust, you can decide how and when your guardian is to receive proceeds from your estate in order to care for your child/children.

### **Advanced Healthcare Medical Directive**

End of life decisions – deciding what efforts and procedures are done in order to prolong your life in case you become incapacitated can be a daunting task for any family member or friend when put in the position of having to make end of life decisions on your behalf. Here are some advantages of having an Advanced Healthcare Directive.

1. You make the decision while you are of a sound mind. It's called advanced planning since you are capable of deciding for yourself. It doesn't make sense to put someone else in a position of having to make those type decisions on your behalf when it isn't necessary. All you have to do is complete an Advanced Healthcare Medical Directive stating clearly what your desires are and you are “good to go”.
2. You also can appoint someone to make medical decisions on your behalf.

It is best to discuss the Advanced Healthcare Medical Directive with your family before completing the questionnaire. If you aren't clear on what making these type decisions mean, discuss it with your physician.

### **Power of Attorney**

The person to whom you assign your “Power of Attorney” to needs to be:

1. Trustworthy – honest
2. Capable and willing to fulfill their responsibilities under the “Power of Attorney”
3. Always best for this person to be close by in the same geographic location as you.

### **Selecting a Trustee**

The Trustee that you select to manage your estate needs to be:

- ✓ Trustworthy – honest
- ✓ Reliable – will carry out your directives
- ✓ Knowledgeable – especially if money management will be involved
- ✓ Willing to put in the effort required to fulfil their obligation as your Trustee

Before selecting someone as your Trustee, make certain they are willing to accept the responsibilities that go along with this position – make sure they understand so nothing will come as a surprise when they are called upon to assume this position. It is also advisable to name someone as your Successor Trustee in case the person originally named as your Trustee cannot carry out their duties or dies.

Further, if the Trust you have established has a potentially long life span you may want to consider naming a corporate entity as your Trustee. Banks and other financial institutions provide these types of professional services.

## Legacy

What do you want to be remembered for? How do you want to be remembered? How you plan your estate as to who gets what, when and how is part of what will make up your legacy. In the event you choose to leave some form of support for charitable organizations or other non-profits, you can rest assured that doing so forms a type of legacy for who you were as a person and how you viewed what you wanted your life to mean for others benefit. Also, carefully planning out your end of life desires can impart life lessons to your children or other family members as well as friends. Believe it or not, what you want your legacy to be, is essentially all up to you and the choices you make while living.

One more thing, you may want to consider producing a video about what your life has meant to you along with what you would like to be most remembered for. Simple video production can be easily accomplished with the resources we have today, including a mobile phone.











**VEHICLES**

Make	Model	Year	VIN	State Registration Number	Insurance Company	Value	Loan











**Beneficiary** – a person or entity (charity) that receives distributions from an estate.

**Blended Family** – exists when there are children from more than one set of parents – whether in or out of wedlock

**Business Succession Plan** – establishes who and under what circumstances the control and ownership of your business is transferred

**Estate** – the assets owned by an individual at their death – also assets in a trust

**Estate Planning** – is the process of arranging for the transfer of a person's estate during their lifetime. Usually done to avoid probate and minimize taxes, while maximizing the estate's value. The ultimate goal is to achieve the goals and wishes of the individual.

**Estate Taxes** – are the taxes to be paid by an estate, both federal and state. Calculated upon the net fair market value of the estate, subject to an exemption and differing rates. Contact your CPA for complete information.

**Executor** – the person, or entity, named in a Will to administer the decedent's estate.

**Fiduciary** – is a person, or an entity, who performs special acts for the benefit of another.

**Guardian** – an individual, or entity, named or appointed by the court to represent the interests of minor children or adults with special needs. Also, can have responsibility for making “parental” decisions for the same.

**Living Will** – is a document that clearly states one's desires to be allowed to die naturally if unconscious from a terminal illness or accident.

**Advanced Healthcare Medical Directive** – states what you want done, in terms of medical treatment, for a terminal illness or as a result of an accident if unconscious. It also names the person who can make those decisions for you.

**Power of Attorney** – a written authorization whereby you are authorizing someone to represent or act on your behalf in private affairs, business, or some other legal matter.

**Probate** – is the process of proving that a Will is genuine and then distributing the assets. Done by a court.

**Trust** – is an entity involving the transfer or holding of assets to one person for the benefit of another. It is formed by the following relationships (1) the trustor creates the trust; (2) a trustee that holds and manages the trust and (3) the beneficiary or beneficiaries who benefit from the trust.

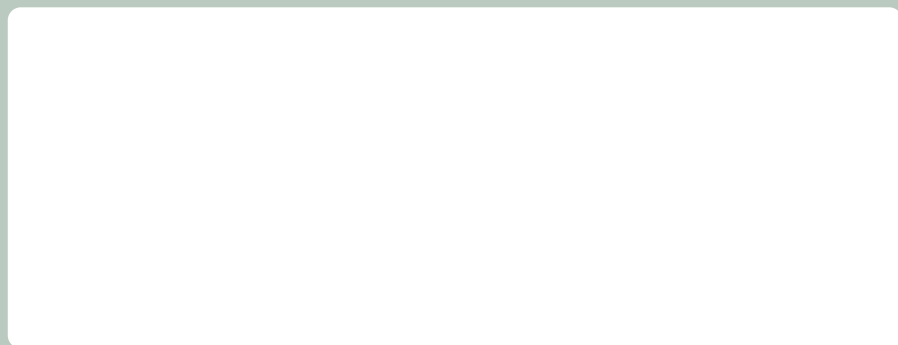
**Trustee** – the person or entity that serves as the fiduciary of a trust.

**Trustor** – the person who creates a trust.

**Will** – is a document in which a person states how their property should be distributed after their death.



# Understanding Estate Planning



## Slideshow

### PAGE 2 SLIDE

- Taking care of disabled minor and adult children. It's not uncommon for attorneys to create a separate trust called a "Special Needs Trust." Not necessary with a comprehensive living trust
- Peace of mind that comes with estate planning
- Lifelong process – as things change in your life, your plan should be updated to reflect the changes
- Specific questions – if you don't have a plan, questions like these will have to be answered by someone else.

### PAGE 3 SLIDE

- Estate planning should be considered a "Must Have". It's not exposing your estate to the government's plan which costs your estate money to have to cover the government's court costs and legal fees.
- A Will is a wish document – has to be enforced by a court order which is probate court.
- What documents make up a comprehensive estate plan.

### PAGE 4 SLIDE

- Benefits of estate planning
- Makes settling the estate easier and faster
- Less stressful during a time when the family is grieving their loss
- Saves money

### PAGE 5 SLIDE

- Protect the privacy of the estate – probate court exposes everything
- ID Theft – Theft Beyond the Grave
- Eliminate confusion within the family
- Protect your loved ones
- No Probate

### PAGE 6 SLIDE

- Eliminate stress – your estate plan organizes your "stuff"
- Making sure you leave a "positive legacy" – most people consider this a "Must Have"
- Protect loved ones from themselves

- Creditor protection if needed
- Own a business?
- Appoint the person of your choice to manage your estate

#### PAGE 7 SLIDE

- Minor Children – Guardianship
- Special Needs – protect “Social Security Disability Income” Benefits
- Have a pet?
- You control how you want your estate to be settled
- Have a retirement account?
- Titled assets in multiple states
- If you don’t do anything – at least make sure you have a will!

#### PAGE 8 SLIDE

- Estate is too small – the results of your quiz makes it clear what you need
- Costs – the government plan is a major expense as compared to estate planning which is a small investment.
- Takes too long – as compared to not having a plan? Wrong!
- Privacy
- Family issues – not planning will make matters worse

#### PAGE 9 SLIDE

- Don’t want to talk about money – good communications reduces misunderstandings
- Not sure about giving your children money –estate planning is even more important
- Single and have nothing – not much to be said about this
- Not planning on dying anytime soon – not too many people are, it just happens!

#### PAGE 10 SLIDE

- Asset distribution – settling your estate
- Guardianship requirements – if needed

#### PAGE 11 & 12 SLIDE

- Things to consider when choosing guardians
- Advanced Medical Directives – “Living Will”
- Power of Attorney over Healthcare – different than a Living Will
- Power of Attorney over Finances – a “Must Have” Document
- Trustee – you choose this person

## PAGE 13 SLIDE

- Legacy - Give serious thought to how you want to be remembered. This is generally one of the biggest things people are concerned about.

## PAGE 14 – 21

- Organizing your information

## PAGE 22

- Important terms

## CLOSING SLIDE

It's your choice – the government's plan or your own custom plan?

The decision is an easy one. There are 3 options for how to get your plan done.

Go to an attorney - "If going to an attorney is your choice then that's fine however let me explain a couple of things to expect."

The attorney controls the process meaning it is on their time even if it inconveniences you.

Attorneys use software, no one writes documents anymore. Law firms use software that they purchase. You complete a questionnaire and someone from the lawyer's office enters the information into their database and the software populates the documents. The process can take from a few days to a few weeks. Not because the process takes that long. Once you complete the questionnaire and the information is entered into the software, the documents can be generated immediately. By taking time, the cost can be better justified.

The signing and notarization takes place which is generally in the attorney's office. They put your documents in a nice folder, say congratulations on getting your plan done and you are on your way. They do provide you with instructions on how to get your trust funded and in fact encourage you to get it done. However, approximately 80% of trusts created by law firms are never funded and therefore worth very little.

Any time you want to make changes or get your plan updated, there will be additional legal fees.

If you relocate to another state, it is advisable to go to an attorney in that state to make sure your documents are current based on the laws of that state. This will require additional legal fees.

With all this, the #1 most important thing the law firm is going to do and that is provide you with an estate plan. It will be up to you to get it funded which is critical in making sure your estate isn't subject to probate court.

The second option is to use one of the online websites. Due to the popularity and market demand for estate planning, venture capitalists (VC's) have invested hundreds of millions of dollars to fund technology start-ups to go online and get a piece of what is estimated to be a \$35 billion dollar market. VC's are interested in one thing, investing money and



making a profit short term and getting out by selling the business. These sites invest millions in marketing to draw traffic to their site. The price is appealing to draw people in. However, once you purchase you are on your own. They typically offer a “chat box” where you are communicating with a customer service person who may or may not be able to answer your questions correctly. The technology is complicated to navigate often times frustrating buyers to stop and sometimes even give up. Some of these sites are also lead generators to get you to talk to an attorney which increases the cost.

These sites are direct to consumer and come filled with disclaimers. You get a questionnaire with some questions resulting in what would be considered a very basic document template. When other features or benefits are needed you’re either going to be directed to an attorney or pay additional fees to get what you want.

Here’s some more points to keep in mind. Anything offered at a cheap price is cheap and a sign that the company behind the offer is profiting in other ways off your personal information. When you register into one of these systems the process of them collecting your information begins. There’s large profits to be earned either through 3<sup>rd</sup> party advertisers or companies who pay for the data that is collected anytime you visit the website.

The old expression “if it sounds too good to be true then it probably is” is fair warning. Every company is in business to profit. When you see cheap, you can rest assured profits will come from someplace else. Some of the largest online companies profit by collecting consumer data. The data that comes from estate planning is extremely valuable to a lot of institutions and marketers.

Your third option is to work with you. “My firm has invested the money to get a software license to be able to offer you a comprehensive estate plan in a convenient, simple and affordable manner. My technology company has been providing comprehensive estate planning nationwide for over ten years; however, they don’t deal directly with the public. They invested millions of dollars to fund the development of sophisticated software that is comparable to law firms but with more features and benefits. The platform they provide was built exclusively for insurance and financial professionals in order that I can now provide this opportunity to you. The reasoning behind working with insurance and financial professionals is that who is more qualified to work with someone on their financial estate than someone who is licensed in this area. It’s not an area of specialization for attorneys.”

“With my software, we can get you all the documents that make up a comprehensive estate plan with other benefits and features. For instance, you get an electronic vault to store all your paper documents for easy access 24/7. This includes documents other than

your estate plan. You will recall I told you about the importance of funding your living trust. That is making sure that your titled assets are named into your trust. This is something that law firms do not do. They encourage you to get your trust funded and even give you brochures to show you how but it is up to you to get it done. With my software, we provide a funding kit along with the vault to make funding and keeping your documents current easy.”

“My way is convenient, we will work with what works best for you. My process is simple. Lawyers tend to complicate matters to justify their fees. Estate planning documents require certain language but the process doesn’t have to be difficult or challenging, it just has to be correct. My technology is recognized nationally as the #1 choice for comprehensive estate planning when working with an insurance or financial professional.”

The investment for the comprehensive estate plan is \$\_\_\_\_\_. The company has issued me 3 promo codes for today’s event. The promo code will discount your plan by \$300 making the lifetime plan only \$895, meaning never pay legal fees to keep your documents current whenever you need to make a change. By show of hands, how many of you learned something today that you consider valuable information?

Congratulations on making the commitment and taking the time to come to my workshop.

## Critical Straight Talk About Advance Planning

The purpose of this educational presentation is to provide you with information that you need to be aware of. You may have heard the phrase, it's what you don't know that will get you, right? What you don't know or fully understand about advance planning will be covered beginning now.

We believe that success comes with setting a goal and developing a plan to walk you to your destination. For the purposes of this presentation, we are going to set a goal that we believe most people will appreciate and accept.

Your goal – to live life to the best of your abilities, doing those things you enjoy most, appreciating and building lifetime friendships and leaving a legacy that speaks well for how you loved and cared for your family and loved ones.

This may not sound exactly the way you would have said it but for the most part it covers the key principles that most people try to live by.

Next up are the steps you take in order to get there.

## Steps to Success

### 1. HIPAA roadblocks

What is a HIPAA roadblock? It's when you run into a situation in an emergency whereby a physician or hospital is limited in what they can do to treat someone due to the privacy act of protecting information relative to a person's health.

You don't want to go there! Be prepared – emergencies do happen!

#### Being prepared

**HIPAA** (Health Insurance Portability and Accountability Act of 1996) is United States legislation that provides data privacy and security provisions for safeguarding medical information. In order to make sure you are prepared in cases of emergencies, the following documents are necessary.

#### 1. Advanced Medical Directives & Living Will that include the following Durable HIPAA Statement

The Durable HIPAA Statement grants an exception to the privacy restrictions of the HIPAA law to allow for personal information to be provided to the Agent (power of attorney) you have appointed. This would be someone you trust to make decisions based on what you would want. The Advanced Medical Directive is the legal document that states exactly what your wishes are in a case where you would be incapacitated. This way, the person you appoint would be making an informed decision regarding your medical care.

**Advance directives are not set in stone. You can revise and update the contents as often as you wish during your lifetime.**

#### 2. Durable Powers of Attorney (DPA)

"Durable" means that the appointment of the power will "endure" even after your incapacitation.

Your Power of Attorney should be someone you trust, who will understand and agree to your wishes. They should also be someone with a strong backbone who won't be afraid to fight for you. And oftentimes, it's not the first person who comes to mind.

For instance, your spouse may not want the responsibility of removing life support after an accident. Or your sibling may disagree with your wish to return home if doctors say further treatment will only prolong the inevitable.

Anytime we're caring for a loved one, there is emotion involved. Sometimes it's helpful to have a person who's a little bit removed.

**You can change your power of attorney as often as you wish while you are alive and not incapacitated.**

**The two Powers of Attorney no one should be without are:**

#### Durable Financial Power of Attorney

- This document appoints an agent(s) to perform financial decisions regarding any assets not funded into your Trust at the time of your legal incapacitation. (For assets already funded into the Trust, the Trustee already has this authority.)
- Not only do you get to decide who makes financial decisions on your behalf, you also protect your privacy and save money by avoiding expensive court and legal fees.
- Having a Durable Financial Power of Attorney will help avoid a court-supervised guardianship/conservatorship in the event of legal incapacitation where all finances become a matter of public record.

#### Durable Power of Attorney for Healthcare

- This document allows your appointed agent(s) to make important health care decisions for you in the event of your incapacitation.
- In conjunction with your Advanced Medical Directive, your agent can make all important healthcare decisions, including the continuation of life support systems.

Not having these documents will create a sobering moment for your family and loved ones should an accident or illness suddenly occur that causes you to be incapacitated, if even for a brief time period.

No one plans for these types of events but they do occur. Consider this fact, every 15 seconds a senior is in the emergency room suffering from a fall. Every 29 minutes one dies. Falls are the sudden accidents that no one sees coming.

Your Powers of Attorney are “must haves”!

## Choosing a Plan

The next step in the process of being prepared is to choose the type of plan you want. The government's plan or your own personalized plan. The government's plan is pre-designed for you.

Let's examine the two plans and then you get to choose which one is best for you.

## The Government's Plan – Probate Court

### **THE PROBATE COURT PROCESS**

To start, someone will have to be designated as the administrator of your estate. If there's no one, then the court will appoint someone or the family can hire an attorney. In either case, the money comes out of your estate to pay for this service.

First up is a formal "[Petition for Probate](#)". This form is filed in Probate Court and a personal representative of the decedent's estate is appointed by the Court to administer the decedent's estate. A personal representative can have various names (Executor, Administrator, etc.), depending upon whether or not the decedent left a Will.

Usually, in a Will, the decedent names an "Executor" to act as the estate's personal representative. If there is no Will or decedent failed to name an Executor, the court will appoint a personal representative called an "Administrator." The personal representative can be any interested person, including a family member, friend or creditor of the decedent.

A personal representative will be responsible for:

- Cataloging all property of the decedent (including real property and personal property);
- Getting appraisals on real property and anything else that has a perceived value of an amount that could be questioned. Having an appraisal makes this process easier to navigate.
- Paying any debts, claims or taxes that are due;
- Collecting rights to any income (royalties, stock dividends, etc.) to which the deceased was entitled;
- Settling financial and property disputes;
- Filing the decedent's final income tax return;
- Filing the estate tax return, if needed;
- Preparing an accounting of estate assets and expenses;
- Litigating creditor's claims; and
- Distributing or transferring the remaining property to heirs.

A personal representative of an estate may be required to post a bond to serve. If the Will waives bond and the named Executor is appointed, no bond is required. However, if a Will does not waive bond or the Administrator lives out of state, then a bond may be required. The amount of the bond required is based on the value of the estate, minus any mortgages. The “cost” of the bond will depend on the value of the estate and the personal representative’s credit score. It goes without saying that the worse your credit score the more you will pay for a bond.

Have you ever heard of an estate being drained to cover costs? From time to time it does happen and when it does, no one gets anything. The estate is consumed by the legal cost of the probate process. There’s also the time and inconvenience that goes into the process. No fun!

### Your Plan - Revocable Living Trust

The alternative is to have your own personalized plan called a “Revocable Living Trust”. Notice the title, it says living trust and not dying trust. It is critical that you understand what that means, it means that you have complete control over your trust for as long as you live and are not incapacitated. You can put things into your trust, take things out and change your decisions as often as your life might dictate. Nothing is cast in stone for as long as you are alive and able to make decisions on your own.

Your living trust is one part of a comprehensive estate plan. Let’s examine what goes into a comprehensive estate plan.

An estate plan is a set of legal documents that address specific areas of a person or couple’s life. The owners of an estate plan are referred to as the grantor/grantors. The process of putting together your estate plan includes answering a series of questions whereby you as the grantor anticipate and arrange for the management and distribution of your estate while you are alive up to and including at death and after death.

Your comprehensive estate plan will have the following documents:

- Will/trust
- Durable power of attorney over healthcare
- Durable power of attorney over finance
- Beneficiary designations
- Bequests designations
- Advanced Medical directives
- Guardianship designations in the event of minor children or disabled children

Let's look at how a trust differs from a last will and testament.

### Trust v. Will

One main **difference between a will** and a trust is that a **will** goes into effect only after you die, while a trust takes effect as soon as you create it. A **will** is a document that directs who **will** receive your property at your death and it appoints a legal representative to carry out your wishes.

However, a will is a “wish document” whereas a trust is a legal contract. While a will “kicks in” when you die, your trust is a living document that activates as soon as it is signed and notarized. A will is subject to going through probate court while your living trust will not, provided you have funded it.

Funding your trust is made simple with a funding kit that walks you through the entire process of re-naming your real and titled property into the name of your family trust. Oftentimes, this doesn't get done through the traditional process of having an estate plan done. Very few attorneys get involved in the funding process other than advising clients and providing information on how to get it done.

We have taken the legalese and challenging work process out of funding your trust, making the process simple and quick. Remember, an unfunded trust is essentially only worth the paper it is written on until you complete the funding process. We work with you to get it done.

One more point you need to know, taking advantage of our planning process means you get a life plan whereby you never have to pay extra to make changes or get restatements. Traditional law firms generally charge you extra for changes and restatements after the initial set of documents are completed.

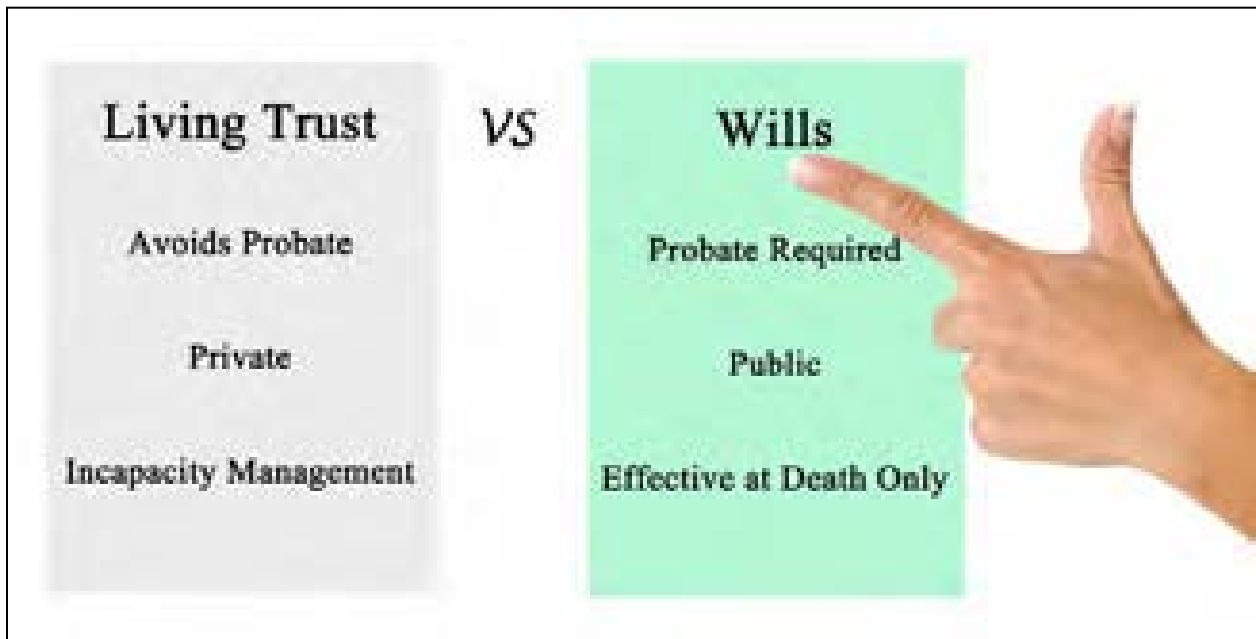
To summarize, not having an estate plan that is customized for your wants and desires will subject your family to the government's plan called probate. The upside is that probate works but at a cost. That cost is the time, inconvenience, expense and loss of your personal privacy. Going through the court process means your information becomes a part of the public domain meaning anyone can access your information whether it be for a god worthy reason or for selfish reasons to serve someone else's interest. This is where identity theft can occur and outside thieves take advantage of what you worked for.



In olden times accessing this type of information meant going to the courthouse and searching court documents. Today the thieves don't have to rob banks, they use the digital world which your estate will become a part of as a result of going through probate court.

So, you get to decide. Which plan is best for you?

In the end, our professional advice is to get these documents done. This is a matter you need to address one time, be done with it and get on with living your life enjoying one of the truest forms of peace of mind you can ever experience.



## Changes that Require a Restatement

- Replacing a previous trust (from another source), but you don't want to re-transfer the assets
- Update / Change an existing trust (already signed/executed):
  - o Changing state of residence (only required if you want to move your situs to the new state)
  - o Changing any of Trust Provisions (trust provisions tab)
  - o Adding a new Child (the trust has language to automatically give an equal share to any new children born or adopted, so technically it's not required but a good idea to update when the family grows, this language is present primarily for situations where the trust could not be updated in time.)
  - o Changing the Distribution Options (Joint trust for children)
  - o Adding or removing a Beneficiary
  - o Adding or removing a disinherited person
  - o Changing Trustees/executors
  - o Adding or removing the bequest of TITLED Assets (personal property does not require a restatement, see more details below.)

## Changes that Do NOT Require a Restatement

Changing any option on the interview BEFORE documents are signed.

Changing a Financial Agent (regeneration and reprint of the Durable Power of Attorney for Finance is all that is required)

Changing a Healthcare Agent (regeneration and reprint of the Durable Power of Attorney for Healthcare is all that is required)

Changing your Advanced Directives or Organ Donation Options (regeneration and reprint of the Living Will & Advance Directives is all that is required)

Add/Remove/Change bequests of PERSONAL PROPERTY (Simply updating and re-signing the included Memorandum for Distribution of Tangible Personal Property is all that is required.)

## Requesting A Restatement

Client trust accounts default to new trusts. If you need a restatement, please contact support and include the following information:

- o Name of the Client on the Account (account must already be purchased)
  - o Name of the Current Trust, including date of the old trust
  - o Date the client wants on the new restatement (can be current, past, or future date, but they cannot sign the restatement *before* this restatement date.)
- Support will update the account to a “restatement account” and all future documents generated will be restatements.

Example of a trust name with a Restatement:

**John Doe DEMO Family Trust dated January 02, 2013  
(amended and restated on December 01, 2018)**

## ONBOARDING A NEW CLIENT

The most important part of the onboarding process is to make sure your new client understands the process of getting their comprehensive estate plan completed. You should emphasize that time is of the essence. There's no reason to waste time now that the investment in the plan has been made.

People tend to procrastinate. Don't allow that to happen. Once this is done, your client can enjoy peace of mind which is priceless.

The steps to completing the process are:

### Set Up the Account Plan

Once the sale has gone through, the client will get a username and temporary password. They log in with this information and set up their account. They will be asked to change the temporary password to what they want their permanent one to be. Be sure to ask them to tell you the password they want so you can make it a part of your record. You don't want to ask them for it later. With their username and password, you can log in and help them through the process as needed.

### Accept the Software User Agreement

This is common practice when using any kind of software. It is a simple "check the box" and move on.

### Name the Trust

Most people want to use their family name, which is fine but not necessary. You can name a trust anything you want, it doesn't have to have the family name associated with it. The owner will be the single person or husband and wife no matter how they choose to name the plan. The only disadvantage to putting the family name on the trust is that when property is transferred into the trust, the recording will be a part of the public domain meaning someone can go through the county recorder's office and find the name of the trust. Most families don't care since it doesn't change anything; however, for those people who want to keep their names and property private, it is best to not put the family name on the trust.

## The Date of the Trust

Most people pick the date they begin the process. The important thing is that the date MUST be before the documents are generated and signed. Simply picking the date of beginning the process keeps things simple.

Once this process is completed, the next question is how involved do you need to be going through the questionnaire?

There's no perfect answer, it is one of personal preference. As a general rule it is good to ask the client what they prefer. Let them know that the questions are all relative to their personal decisions and that the process is straightforward and simple to follow. If they prefer to complete the process on their own, that's fine. Or if they prefer you walk them through it, that's fine as well. Most people will take the offer of doing the questionnaire on their own. If that is the case, you want to do the following to make that process simple for them to follow.

Open the questionnaire and click on each tab so they can see the flow. State that at no time will they be writing any language. All the language was written by the attorneys so all they are doing is filling in the blanks and answering questions with a yes or no.

If your client prefers to go through the interview on their time and schedule just point out a few of the options they are going to answer and explain them. Otherwise, they will most likely come back to you later with questions. The most common questions they may find difficult are the irrevocable option and what to do in case of a divorce. Otherwise, the questions are pretty straightforward.

Here is a step by step tutorial for going through the interview. You should thoroughly understand this process so you can speak with authority to your clients.

## Interview Steps

Let's get started. You are going to need the names and addresses for anyone you name as a beneficiary, names and addresses for all your children, names and contact information for anyone you name as a trustee as well as agents. You will learn about each of these terms as you go through the process. Don't worry if you don't have all the information to start or if some of your information is incorrect. There will be time to double check everything and get all the information into the questionnaire prior to signing and executing the documents. The main thing for now is getting the process started. The software will save any information you provide so you can start where you left off when you are ready to complete the process.

The first page of the questionnaire is all about you. Everything is self-explanatory, all you do is fill in the blanks.

Once you have filled in the blanks, click save and move onto the next page where the process gets a little more interesting as you are now being asked questions some of which you may not be sure of. Not to worry, we are going to make sure you understand each and every step along the way.

## Trust Provisions

First is the name you selected for your family trust. Once you have selected the name, the system locks it in. If for some reason you need a name change down the road, contact the agent or advisor who provided you access to this platform and they will know what to do to get the change done. Changing the name on your family trust often indicates a significant life change-- like getting married or divorced-- and such life changes provide an important opportunity to revisit and update your estate plan, including your living trust. Otherwise, changing the name on a living trust is not common.

Next, you will select the date of your trust. The only important point is the date has to be on or before the date your documents are signed and notarized. Other than that, the date can be the day you begin the questionnaire.

Choose equal or unequal beneficiary shares. If you choose unequal shares, later in the interview you will decide who gets what percentage and total up to 100%.

Do you have a prenuptial or post nuptial agreement? Straight forward yes or no.

Do you want a standard or AB trust? Again, this is a personal choice. According to legal sources, "In short, for U.S. Citizens, the AB trust format no longer offers any estate tax advantage and is now an outdated tax concept. Instead of saving taxes, the AB trust will likely result in a much higher capital gain tax burden for your loved ones."

With a Standard Trust upon the death of the first spouse, any debts, taxes and expenses are paid and specific bequests of the deceased are distributed.

Then 100% of the remaining assets are left in the trust. The surviving spouse can make changes to the trust, including adding, removing, or changing the distribution allocations for beneficiaries, adding and removing assets or even dissolving the trust.

### The Standard Trust

A common option for estates not concerned with estate taxes, families without significant sole & separate property, and families without children from a previous relationship.

### AB Trust

Essentially an AB Trust 'splits' upon the death of the first spouse, the Standard Trust does not.

With an AB trust, upon the death of the first spouse, assets are "split" into two separate trusts, (Trust 'A' and Trust 'B', hence the name AB Trust). Trust 'B' is for the deceased's share of the assets and the beneficiaries identified in the trust. When the split occurs, assets are divided by ownership. Those who have identified "sole & separate property" will have 100% of those assets transferred into their "split", so Trust 'A' and Trust 'B' may not be equal in value.

In addition, upon this split, the deceased spouse's selections become irrevocable. The deceased spouse's share of the assets are used to pay all debts, taxes, expenses, and make specific bequests. The remainder is held in trust for the benefit of the surviving spouse for his/her lifetime. The surviving spouse can ONLY make changes to their half of the "split" (Trust 'A') during their lifetime. When the surviving spouse dies, then the beneficiaries get their distributions as originally outlined.

This option can add significant complexity for successor trustees managing the AB trust after the first spouse dies.

## Irrevocable Option

Deciding who has control over assets after your death is a core purpose of creating a trust, but control must be balanced against the amount of credit protection you want for the surviving spouse.

If you provide unlimited access to trust assets to a surviving spouse, you provide tremendous flexibility. However, with that flexibility comes some risk. If the surviving spouse has control over the assets, then it could be seized by the courts to pay debts or judgments in the event of someone filing a lawsuit against the individual. Another risk is that everything can be changed according to the wishes of the surviving spouse including beneficiaries and bequests. The trust can actually be “cashed out” by the surviving spouse. Simply put, choosing this option leaves the surviving spouse with full control of the estate.

Your other option is to have the trust become irrevocable upon the passing of the first spouse. Here’s what happens if you choose this option. Upon the passing of the first spouse the trust changes from revocable to irrevocable, meaning the integrity of the trust will remain according to how the husband and wife decided. The Trust assets are protected via the irrevocable option whether it be from lawsuits should the surviving spouse ever be sued, creditors, or outside predators who can impose themselves on a surviving spouse.

If you have an IRA and you want your trust to qualify for IRA "see-through" the IRS requires that the surviving spouse MUST have *limited access* (irrevocable upon the first to die). In the event the spouse has an IRA account, the see-through provision that comes with the irrevocable option enables the process of making the trust the beneficiary of the retirement assets from their IRA account to go into the trust for the beneficiaries after the person who had the IRA account has passed.

So, how does the surviving spouse maintain their lifestyle if the assets are in an irrevocable living trust? The answer is simply, the surviving spouse can rely on the trust assets for any needs they may have whether it be health issues, educational programs they want to take advantage of, their own personal lifestyle maintenance and support. As an example, the spouse wants to downsize their home and move into something smaller or perhaps in another area. No problem. The home is in the trust so the sale is made, the proceeds of the sale go into the trust and the surviving spouse uses those proceeds to make the next purchase. Everything is maintained and managed via the trust.

This is a personal question as to how much you want to balance flexibility versus long term support & credit protection.

Do you have separate property that you wish to keep separate? Separate property is usually acquired before marriage. This property may be part of any prenuptial agreement if one exists, but a prenup is not required to have separate property. For instance if someone has assets they acquired prior to the marriage and they wish to keep those assets separate they can. As an example, someone has children from a previous marriage and they want to leave something to that child upon their passing versus the asset remaining in the trust until the passing of the surviving spouse.



If you select "Yes", your property/assets will maintain its "Character", in other words if it was separate property before it went into the trust, it will remain separate property.

If you select "No", then all property and assets will be considered community property once it is placed in the trust.

### Written Consent

Should written consent of both spouses be required for all transactions? This is a “yes or no” question and a personal decision. It is common for a married couple to want to have decisions be made together rather than 1 having the authority however this is a question you have to decide upon.

### Divorce

Do you want to void this Trust in case of divorce? This is a personal decision for you to make. If you answer 'YES' the following lines are added to the Trust:

*"If our marriage is dissolved at any time this Trust Agreement shall become null and void.*

*It is our intent that our respective property held in our Trust shall not be used for the benefit of the other spouse upon the dissolution of our marriage. "*

Keep in mind, it is common for divorced people to settle who gets what through the divorce decree. That in itself divides the estate between the two individuals and generally prompts people to get a new trust as a single grantor which would then hold the assets they take out of the marital community as a result of the divorce.

If you answer 'NO' then your Trust will persist even after a divorce.

## Trustee Types



Do you want a single individual or organization to serve as Trustee (and executor) with an alternate, or do you want to set up a committee of co-equal Successor Trustees (and executors)? The Successor Trustee of your Trust controls and manages the trust for the benefit of the Trust Beneficiaries. He or she can move, sell, buy, and dispose of assets. You (and your spouse if you selected a two grantor trust) serve as initial Trustee(s).

However, some may not want a single individual to serve as Successor Trustee, but rather several people as part of a Trustee Committee. This is most often those with larger families who want to name all of their children to be on a Trustee Committee rather than selecting only one.

If you want to use a Trustee Committee, you will still need to select at least one alternate trustee should a member of your committee be unable or unwilling to serve.

Agreement of a majority of Trustees is required for the committee to act. If there are only two co-trustees, then both must agree before any action can be taken.

It is also important to consider that having multiple Trustees and Executors can result in extra complications, costs and delays, (especially if they do not live in the same geographic region.) For example, *every* named executor of your Last Will & Testament will be required to sign all documents (excluding alternates not appointed), this can delay property transfers, add expense, and even occasionally lead to disputes between executors.

Please make this choice carefully. While many want to appoint all of their children as co-equal trustees, it is often much more efficient to pick the one who is closest geographically and designate others as alternates.

## Children

Your children - if you do not have any children you can skip this section.

In this section you will list names and information regarding ALL living children (all biological and legally adopted children, no matter their age or where they live). You must list all children, even if you plan to disinherit them. Do NOT list any grandchildren or other family members.



When adding disabled children, you must check that designation in the upper right hand corner. This will add language that qualifies your trust as a Special Needs Trust with those provisions included. You will also name a guardian for minor children or disabled children later in the interview.

Please note that unless otherwise written in your estate plan, ALL of your children, biological and/or adopted, have equal claims to your estate. Once you have added all your children to this page, you will need to designate each of them as either beneficiaries or disinherited on the appropriate tabs. If you do not list them as either a beneficiary or as disinherited, they will be able to sue in court. Simply skipping, ignoring, or leaving them out will leave your trust open to a lawsuit. For example, if you only want to give to your grandkids, then you need to 'disinherit' your children.

## Distribution Options

Sub Trusts are also referred to as joint trusts for children.

This option applies to your children who are named as beneficiaries. It also applies to anyone else that you may name as a beneficiary. If children are planned for the future, you can restate your trust to include them at that time. If this does not apply to you, answer NO to the first question and skip to the next tab (the rest of the questions/answers are ignored).

## HEMS

Many parents want to protect their children (or grandchildren) from the risks associated with a sudden large inheritance. A Joint Trust for children allows you to restrict distributions for all beneficiaries until a certain age or stagger distributions over time and even allow early distributions for a home, education, wedding, and other common life events. If you have a disabled child who will not be a beneficiary, the guardian you name will receive distributions from the trust to provide and take care of the child. Taking care of them includes any necessities including their health, education, maintenance and support. This is often referred to as the HEMS option.



## Roles

This section is designed to educate you on the different roles you will be appointing people to. One person can have multiple roles. (For example one person can be both your healthcare agent, and the primary guardian for your kids, and also a beneficiary of your Trust).

### Add People and Organizations Section

In this section you should add the names and information on each person that will play a role in your Estate Plan. Anyone who may be a trustee, beneficiary, agent, guardian, or any other role needs to be listed here. Organizations or Entities should also be listed here (for example if you want to give a bequest to your church).

**DO NOT ADD YOUR SPOUSE HERE. DO NOT ADD CHILDREN HERE.** Children previously entered are included in the list below. If you forgot to add one of your kids, please go back to the “Your Children” tab to enter them.

### Beneficiary Selection

Equal beneficiary shares is a personal decision you have to make. Beneficiaries can be anyone you choose including an organization such as a non-profit. Most often people think of beneficiaries as their children and grandchildren which can often be the case. However, you get to decide who all your beneficiaries are as well as what percentage or equal amount of your estate you want them to have. If your decision is equal, that’s pretty straight forward. If you decide unequal, then each beneficiary will receive the percentage you choose. You will be able to make that decision later on in the questionnaire.

### Add Beneficiary Section

In this section you select those who you want to receive a share of your estate, as well as decide how your estate will be distributed. (If you only want to give a specific bequest of an item or fixed dollar amount that will be done in the bequest section.)

Your beneficiaries may be chosen from any of the family, friends, or other people and organizations you entered earlier. All beneficiaries are protected under spendthrift provisions included in the trust.

See below, click on the drop down menu and if you want to add a name and it isn’t there, go back to the 'Your Children' or 'Add People' tab to add them. Putting in your children and adding people or organizations in that tab automatically populates them into all drop down menus through the interview.

## Disinherit Option

In this section you may list any child or other family members that you wish to specifically disinherit or designate a specific amount that you want them to receive.

It is important that you add EVERY child as either a beneficiary or here as disinherited. Simply "skipping" a child (not including a child as a beneficiary), in many jurisdictions can result in a child or step-child (at any age) being able to sue to claim an equal share of the Trust. Any child who you want to limit their distributions must be listed here.

If you forgot someone, clicking on 'Add Child' will take you back to the 'Your Children' tab to add them. You will still need to return here afterwards to add them to the list of disinherited individuals.

If you do not have any children or persons you wish to disinherit, you may skip this tab.

## Trustee Selection

The selection of a Trustee is one of the most important decisions you will make in the creation of your trust.

After your death or incapacitation, your Successor Trustee(s) is/are responsible for managing your Trust assets according to your wishes. Your wishes are based on the choices you make in the interview. Additionally, your Successor Trustee is responsible for paying any creditors and taxes that may be owed. In choosing your Successor Trustee, you want to make sure this person understands what their responsibilities are. If they understand, they should be capable of managing these tasks.

If you are a married couple and this is a two grantor Trust, (and you haven't selected to have a Successor Trustee Committee), your spouse is automatically your initial Successor Trustee. You must select both primary and 2nd alternate trustees. A beneficiary may also be a trustee, and they may be compensated for their work as a trustee. If a successor trustee is unable or unwilling to serve, then the duties would fall to the next alternate successor trustee.

You may also appoint a bank or a trust company as a successor trustee. However there are fees associated with institutional management (which could be significant for smaller estates). Also banks and trust companies often have a minimum estate size they will manage.

Check with your institution before naming it in your trust to make sure you qualify. Be sure to consider their management fees and the minimum annual charge for overseeing your trust, as well as any financial impact this will have on your overall estate.

If you have selected to use a Successor Trustee Committee, please understand that a majority "vote" is required for the committee to act. If there are only two co-trustees, then both must agree before any action can be taken. It is always advisable to have an uneven number if you appoint a committee as the Successor Trustee.

## Financial Power of Attorney Selection

In this section you will select those who will be your primary and alternate financial agents. These individuals will have the authority to make decisions about your non-trust finances when you are incapacitated.

The person you appoint to be your financial agent will have the power to make basic financial decisions regarding assets NOT FUNDED into your Trust. (For assets already funded into the Trust, the Trustee has this authority.)

Your financial agent may use this power to buy and sell non-trust assets, write checks from your (non-trust) accounts, etc... He or she could even fund assets into your Trust prior to your death to avoid probate.

Most people make their spouse their primary financial agent, but this is not a requirement. It is also common to appoint the same person as both your Trustee and your Financial Agent.

Your agents may be chosen from any of the family, friends, or other people and organizations you entered earlier.

If you do not see someone on the list of possible names, go back to the 'Your Children' or 'Add People' tab to add the names. Any name you add will automatically populate in all drop down menus.

## Healthcare Power of Attorney Selection

In this section you will select the people you want to designate to serve as your Healthcare Power of Attorney. You will have a primary and an alternate. The alternate will serve in the event the primary is either unable or unwilling to serve should the day come when it is necessary.

This person will have the authority to make decisions about your medical care when you are incapacitated. Please choose carefully because your agent can terminate life support systems even if you are not "terminally" ill.

The person you name as the primary and the alternate agent may be chosen from any of your family members, friends, other people or organizations you entered in the add people section. If you do not see someone on the drop down menu, go back to the 'Your Children' or 'Add People' section to add them.

## Advance Directives “Living Will”

For a two grantor trust, there's a section for the husband and one for the wife. It is often referred to as the “pull the plug or don't pull the plug” document. This document meets all HIPAA requirements under Federal Law.



## Organ Donation

This is an optional feature and not a part of the trust. It is there for you to take advantage of or skip over. It is not uncommon for people who have made a decision to be cremated versus traditional burial to choose this option.

## Guardian Selection

In this section you will appoint guardians for any minor children or adult disabled children to care for your children in case you and your spouse are incapacitated.

If you do not have children that need guardians appointed, skip this question.

Your guardians may be chosen from any of the family, friends, or other people. You select from the drop down menu and if the person you want to choose is not listed, go back to the add people or your children section and add the names.

## Other Options Section

This is often referred to as “Your Legacy Page” and not a part of the trust. You can complete this section or skip it completely.

## Review Section

This section enables you to make sure that all sections have been completed and if something is wrong, it will be noted with a RED Stop Sign letting you know to go back and complete that section in the interview.

When you are confident everything is done according to your desires, click on review is complete and you will be taken to your estate plan.

Each document will have its own tab. You click on the Revocable Living Trust Tab and it will open to a page where you then need to generate the document. Each of the document tabs will then need to be opened so you can repeat the process of generating the documents. In “layman’s terms” the software is taking a snapshot of the interview you just completed. Once you have generated each document, click on the vault tab and you will see them all there with the date and time you generated the document.




## Client Signing Guide

### SINGLE GRANTOR PLAN

	Pages Signed or Initialed	Pages Notarized	Witnesses Required
Revocable Living Trust	1	2	Yes
Last Will & Testament	1	1	Yes
Certificate of Trust	1	1	No
Financial Power of Attorney	1	1	Yes
Healthcare Power of Attorney	1	1	Yes
Advance Directives	1	0	Yes
<b>Totals</b>	<b>8</b>	<b>6</b>	

### TWO GRANTOR PLAN (married)

	Pages Signed or Initialed	Pages Notarized	Witnesses Required
Revocable Living Trust	2	2	Yes
Last Will & Testament	2	2	Yes
Certificate of Trust	1	1	No
Financial Power of Attorney	2	2	Yes
Healthcare Power of Attorney	2	2	Yes
Advance Directives	2	0	Yes
<b>Totals</b>	<b>17</b>	<b>9</b>	

-  Witnesses must be unrelated persons with NO interest in the estate. They should NOT be: beneficiaries, successor trustees, or recipients of any bequests.
-  Bring all your documents, proper identification, witnesses, (and if necessary payment). If you choose to use a mobile notary service, make sure to be at the specified location at the agreed-upon time.
-  The notary will ask for, and must review, identification for all signers **BEFORE** instructing you to sign the document. After all signatures have been notarized, your documents are valid and legal.

## Making a Sale Using Your Link

If you have a prospect that wants you to send them your link to purchase, send the link located under the “Your Account” tab/customized web portal link. When they click on the link it will take them to your website where they can click “Buy Now” and it will take them to the order page.

If you are making the sale at the retail price you have set, the sale will be processed at that price point. If you are offering a promo code for a discount, you will need to give them the code to enter on the order page and the price will be reset to the discounted price according to the code you provided.

Any sales that are processed through your web link will be credited to you and be listed on the sales transmittal you receive each month. The transmittal will include the date of the sale, the customer, the price, and the commission you earned.

## Credit Card Authorization Form

This form is located in the “Forms” section in your back office. It is an optional form you can have your client complete when using their credit card to purchase their plan. It is not required. Some licensees like to have it in their files as proof that their client gave them authorization to charge their card for the estate plan software subscription they are purchasing.

It is a business decision you can make. Just remember, it is not required. If you do use the form, you keep the copy.

## Data Entry Authorization Form

If you have a client that wants assistance or prefers to have someone else complete their interview, this is an optional form to have them complete stating that they are authorizing that person to enter the information they provide.

This form is optional and not mandatory; however, if you do decide to use it, keep a copy for yourself.

## CLIENT OBJECTIONS

I am not comfortable using an online platform for getting my estate planning done.

Answer: Even though our process is cloud based and online, it is software. No one writes documents anymore including attorneys, they subscribe to software that generates the documents you pay for. They first collect information in the form of an interview or questionnaire and that information is then entered into their software which in turn generates the documents they need.

Our process is no different. We collect the information which is entered into our software platform which in turn generates the documents. One difference can be in the optional features you need. For instance, you have a disabled child. An attorney may tell you that you need a special needs trust. The special needs trust provisions will protect the social security disability income your child may be eligible to receive for the rest of their life so you would want to protect that benefit.

The special needs trust can be a trust itself, however to simplify matters our software will add the provisions to your living trust that cover the unique circumstances of having a child with special needs. No need for additional documents making the process easier for everyone. There are other options that are available with our software platform so what you have access to as a comprehensive estate planning software that will be able to generate the documents you need and want without the cost, inconvenience and difficulty of having to go through the process with a law firm. All this in addition to our electronic vault you have with our platform which enables you to save your documents and other important documents you may have for easy access 24/7. Law firms do not offer this benefit. And you get to keep your documents current and up to date without legal fees. Again, something law firms don't offer. When there's changes needed as life's circumstances often trigger you can quickly get it done. The major bonus is our platform provides a funding kit making it easy and quick to get your living trust properly funded. An unfunded trust is essentially worthless and again something law firms do not offer. They encourage you to get your trust funded and even offer brochures to assist but in most cases those trusts never get funded.

When you compare the differences, there's no contest which makes this an easy decision as to which option is best for you and your family.



This is a serious decision for me to make. I need to give this some thought.

Answer: Understood, you are correct. This is a serious decision. The biggest reason it is a serious decision is the fact that when it's needed, it's too late. People understand the value of having health and car insurance and why is that? Simply because no one would want to have a need for health or car insurance and not have it. It is something we have been taught to understand and believe in. Unfortunately we are never taught to understand estate planning and why it is needed. An ideal world would be that we are instructed to get a plan when we reach certain milestones in our lives however we aren't and we aren't going to be. There's a lot of money made in the court systems and legal profession that would go away if people understood the chances they are taking by not having their own estate plan.

As much as we don't like to think about it, life does have a cycle, the beginning, the middle and the end and we never know when the 3<sup>rd</sup> cycle is going to show up. We know the beginning and the middle. It's the 3<sup>rd</sup> one that we have to wonder about. Unlike health and car insurance which some people can make it through life and seldom if ever have to use, the end of life will require a plan to be in place. It's either the government's plan or your own custom plan. Slice it and dice it anyway you choose, there's no getting around it.

So again, you are right it is a serious decision which is exactly why I am so passionate about educating people and providing the knowledge and understanding to enable the decision to get it done to be made. If you really think about it, how much sense does it make to not want to understand what's involved now that we are talking about it?

Procrastinating is a way of life for most people so it only makes sense for "I need to think about it" to be the response when you are working with someone. The real thing they are saying is they don't understand enough or believe that it's that important of a decision. If you take that to heart, it will make sense for you to stay the course and talk about the why and how this needs to be done versus thinking about it. Once someone understands, there's nothing to think about other than understanding their options. You need to be well versed on understanding the options which are covered in this manual along with how a living trust protects an estate from probate court.

How are you able to do this and you aren't an attorney?

Answer: It's easy. Attorneys use estate planning software, they don't write documents anymore. The advent of the internet enabled software engineers to work with attorneys to build the software that is cloud based meaning it can be accessed via the internet by way of a username and password.

Attorneys can draft documents and sell them in the state where they are licensed to practice. Professionals in the insurance and financial business sectors who subscribe to our software license may then offer comprehensive estate planning to their clients. The software used in our estate planning process enables an individual or married couple to create and generate a comprehensive estate plan. At no point in time is anyone writing any legal language. All the language included in our database was written by estate planning attorneys. High level software engineers then developed our comprehensive estate planning software from the language provided by the attorneys.

Our software licensees can educate their clients and prospective clients regarding estate planning and all that goes into it. They cannot make decisions for their clients nor write any language into the documents. All the language is taken from our database to then generate the document for the client. The end result is the client has a comprehensive estate plan along with other benefits and features that are not included in what law firms provide.

How can I be sure that this estate plan and accompanying documents are going to work when the time comes?

Answer: Great question! Your trust is the centerpiece of your financial plan. It is a contract that you as the grantor/owner of the trust enters into to make decisions as to how you want your estate managed and settled when the day comes when you no longer have a future. When you wake up tomorrow, it will be today. There is no such thing as tomorrow and no one knows when our light is going to be turned off.

Your plan is a private document, it isn't registered or recorded anywhere which is one of the reasons why it is so important. It keeps your family matters private. The trust itself is the roadmap as to how your successor trustee is going to settle your estate. The documents that will be necessary to execute the setline of the estate are provided with your plan. The most important part of estate planning is the funding process of making sure titled assets are put into the name of the trust itself. This way it is easy for the successor trustee to be able to access those assets and distribute them according to the wishes of the client.

The only time there may be issues would be when titled assets aren't funded into the trust or if beneficiaries are challenged with how to divide up personal material assets that are left in the estate. They have no problem dividing the liquidity (cash amount in the estate) based on the percentage they are to receive. The material "stuff" can be challenging at which time the successor trustee has the power to have an estate sale and liquidate everything and then divide the money according to the decisions made in the trust itself.



This looks like a lot of work and I prefer to have someone like an attorney do this for me.

The main thing I believe I am hearing is that you know you need to get this done but you don't want to have to do it, correct? The problem is no matter what direction you go, there's going to be work you have to do. As bad as that may sound, it is nothing like what your family will have to go through if you don't do it. If you are thinking "better them than me" then you also need to take into consideration the money that will come out of your estate and go into other people's pockets that you don't even know. The government's plan of probate court is dramatically more costly in time and money than simply getting your estate plan done now.

No matter how you go about getting your plan done, you are going to have to complete a questionnaire/interview. Only you can provide the information that will be needed to complete your plan. At the end of the day, the information you put into the interview will be processed by software that will then generate the documents. Our system works just like a law firm in the manner of you completing the interview and from that point forward, the software generates the documents. If completing the interview is troublesome, me or someone on my team can assist. The main thing to remember is your plan is completed in the way you want it. For that to happen, we need the information that only you can provide.

If you are thinking that an attorney is needed, the answer is they use an interview form and software. No one writes documents, they all use software. The main feature of the opportunity you have working with us is that we will make sure that your trust is funded which is something law firms don't do. An unfunded trust is virtually worthless. Law firms encourage you to get your trust funded and even give you brochures on how to get it done but at the end of the day it will be up to you. The majority of trusts created by law firms are never funded. Working with us means we are going to assist you through the process to make sure it is done properly so you can then have peace of mind knowing that you have everything done professionally.

Planning takes time and effort but the best part is no matter what you are planning it always comes out better when you have taken the time to plan. For example, would you ever think of going on a vacation that didn't have some planning in place? Certainly not. The little bit of time and effort you put in with me to get your plan done will be a small investment as compared to the expense of the government probate court plan.





## HOW TO SETTLE AN ESTATE

1. Identify and Notify All Beneficiaries
2. Identify, Notify, and Pay Creditors
3. Distribute Bequests
4. Obtain the Trust TIN by Visiting the IRS Website and Clicking “TRUSTS”



5. Fill out the Online Application and Receive the Trust TIN
6. File Final Tax Return
7. For Certain Investments, Contact the Brokerage Firm and Provide Necessary Documents

## DEEDWERX



Easily fund your trust by using DeedWerx. We have partnered with a national deed preparation service that can prepare your Quitclaim or Warranty Deed anywhere in the United States for as little as \$75. You can add additional services such as having them prepare all the forms your State and County will require to record your deed, calculate any taxes or fees required, and even record the document with your county!

DeedWerx.com is our new deed portal for processing your order. If you have time, save money with their discount deed preparation service and receive your prepared deed in about two to four weeks. If you need it faster, standard and rush service is available.

### Types of Deeds

- **Warranty Deed:** In a warranty deed, you as the grantor (or seller or transferor) guarantee that you own the property free and clear of any encumbrances (or liens or debts or claims) and have the right to transfer the property. If the guarantees turn out to be incorrect, then the grantor/seller could be sued for compensation. Warranty deeds provide greater protection when transferring real estate. This is why most property sales use Warranty Deeds for transfers between 'strangers'. However it is unnecessary for funding your trust because you are both the "seller" and "buyer" as the trustee of your trust.
  
- **Quit Claim Deed:** In a quitclaim deed, the grantor does not make any guarantees. You as the grantor transfer the property (or partial interest) to another person(s) or entity (such as your Trust). It is most common when self-dealing (such as into your own trust, or between your own companies, or between family) where no guarantees are necessary.

## Recording the Deed

Deeds should be recorded at the appropriate county recorder/registrar's office immediately after the deed is signed. Each county has different rules, standards, and even margin requirements. Please see the Deed Service tab for information on a provider that can prepare and record the deed for you.

## Community Property States

If you are married and live in a community property state, there may be tax advantages for you to re-title jointly owned assets as community property before you put them into your Trust. Contact your attorney or tax advisor for more information.

## Insurance Policies

(Title, Homeowner's and Liability Insurance). Contact each insurance company to add your trustees (you and your spouse) as well as the Trust as insureds on each policy. With title insurance, contact the insurer before you make the transfer. In some cases, title insurance will not allow for a transfer of ownership, in which case you may need to replace your existing policy with a new title insurance policy. Often a local title company can be your best resource for making sure your title insurance is properly transferred or replaced.

## Refinancing and Home Equity Loans

If you plan to refinance your property or obtain a home equity loan, you may have to temporarily transfer the property from the Trust back to yourself, sign the loan paperwork and then you can transfer the property back into your Trust. *Do not forget to transfer the property back into your Trust!*

## Due-on-Sale or Alienation Clauses

If you have a mortgage on your property, you should obtain your lender's written consent if the loan has a due-on-sale or an alienation clause. A due-on-sale clause allows the lender to require full payment of the outstanding balance of the loan if the property is transferred without the lender's consent. An alienation clause is similar, in that it accelerates payments and may change other terms if a transfer is made without lender consent. Under federal law, a due-on-sale clause normally cannot be enforced in the case of a principal home if the grantor transfers property to a living trust and is a beneficiary of that trust. However, it is

much safer to obtain consent from the holder of the mortgage or deed of trust before transferring the property. If you are transferring property with a mortgage that is not your principal residence (for example, additional residences, raw land or business, agricultural or commercial real estate), you will want to first obtain consent from the holder of the mortgage or deed of trust. Often a local title company can be your best resource for making sure your property is transferred properly.

### Property Tax Reassessments

Many states will not require a tax reassessment if you transfer property into your Trust and you are the Trustee of the Trust.

### Property Tax Exemptions

If you are receiving a state or local property tax exemption on your home, check with your tax advisor to verify if the exemption will continue after the transfer. If not, you should discuss alternative strategies with your tax advisor or attorney (such as signing your deed but not recording it).

### Deducting Mortgage Interest

Transferring real estate into a Trust should not prevent you from deducting mortgage interest on your Federal income taxes.

### Timeshare and Partial Interests

You can transfer timeshare interests, ownership percentages and partial real estate interests into your Trust. In the case of a timeshare or other collective ownership arrangement, check with the resort or management company to determine if there are any restrictions on the transfer of ownership, whether consent is required, whether there are any transfer fees, and what information they need to recognize the transfer. A timeshare interest can be created by deed, license or lease. If your timeshare interest was created by deed, a new deed will have to be prepared and recorded to transfer your interest. If your timeshare interest was created by license or lease, the license or lease will be transferred by an Assignment document, or a new license or lease will be created, to transfer your interest.

## Tenancy by the Entirety and Liability Exposure

If you and your spouse currently hold real property as a “tenancy by the entirety” and one or the other spouse has significant liabilities, you may lose certain protections from creditors if you record the deed that transfers the property to your Trust. The laws in this area are complicated and vary from state to state, you should speak with an attorney before taking any action.

## Homestead Rights

Homestead rights provide protection to a principal residence against creditors. Whether you have homestead rights, and whether those rights would be affected or lost by transferring your home into a Trust, will depend on the laws of your state. Check with an attorney in your state if you are concerned about bankruptcy, creditor claims or losing a homestead exemption. In addition, a homestead exemption will not apply for Medicaid eligibility if the home is owned by a trust. In states where the option is available, you may want to use a Beneficiary Deed, Transfer on Death Deed, or Lady Bird Deed to fund your trust to preserve your Homestead Rights.

## Marital Property Owned Before 1976

If you and your spouse have owned a piece of property from before 1976, a full step-up in basis may apply to the property when one spouse dies. The step-up could be lost if you transfer the property to a trust. If you think this may apply to you, check with a tax advisor before you transfer title to your Trust.

## Property in Other States

You will want to transfer all real property you own into your Trust, including property you own in other states. If you own property in another state, you will need to record the deed for that property in the state and county in which that property is located.

## Interest in a Land Trust or Deed of Trust

If you are an owner or beneficiary of a land trust, mortgage or a deed of trust (for example, you made a loan that is secured by a mortgage or deed of trust), you will want to transfer ownership to your Trust using an Assignment document. The Assignment document should

be recorded in the same county recorder/registrar's office as the mortgage, deed of trust or land trust document.

### Recording Fees and Transfer Taxes

Most states do not consider the transfer of real property into a trust as a sale and, therefore, do not impose taxes on the sale. However, many counties charge a nominal recording fee or tax to record a deed. The fees for transferring property are different from county to county. Check with the county assessor or recorder's office to determine what local, county and state fees and taxes will apply.

### Other Documents

In addition to the deed, the county recorder/registrar's office may require one or more other documents to be submitted or recorded depending on the state and county. For example, an "affidavit of value" or "change of ownership" form may be required when a deed is recorded. Check with the county recorder/registrar's office to determine what documents must be submitted or recorded with the deed.