

July, 2015

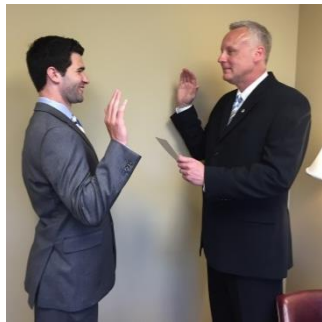
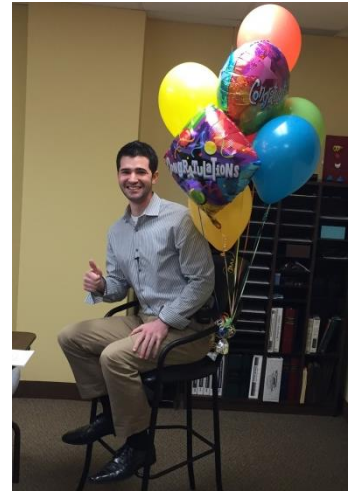
## The Latest Happenings!



Greetings Clients! I hope each of you is doing well. There are a number of changes happening at our office I am excited to share with you.

As many of you know, Attorney Joe Ferraro sat for the Florida Bar exam last February. I am pleased to report that Joe successfully passed the Florida bar exam! This is an amazing accomplishment as Florida is notorious for having one of the most difficult bar exams in the country and with one of the lowest passage rates!

As Joe is not a Florida resident, he was not able to attend the swearing in ceremony at the Florida Supreme Court. As an Officer of the Court, it was my honor to be able to swear Joe in.



Several clients have asked me what the motivation was for having Joe take the Florida bar exam. As you know, attorneys are only able to “practice” law in jurisdictions they are licensed in. Tasks like preparing deeds and delivering documents are all considered practicing law. With Joe now licensed in Florida, we will no longer need to hire Florida attorneys to prepare deeds for our clients who purchase real estate in Florida. Additionally, Joe would be able to personally meet with clients within the state of Florida without running afoul of unauthorized practice of law issues.

The other exciting news is the addition of our new associate attorney Doston B. Jones, III. Doston joined our firm about midway through the Annual Client Meeting process and was able to meet some of you in person. Doston’s primary responsibility will be to work closely with our Settlement Coordinator Nicole Leffel and our clients when there is a disability or death to provide assistance with winding down of affairs.

**Scott A. Williams & Associates, LPA**  
**5700 Lombardo Center Drive, Suite 290**  
**Seven Hills, Ohio 44131**  
**(216) 236-6480**  
**LifeDesignLaw.com**

**July, 2015**

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**Portfolio behind the tab marked**  
**“Miscellaneous”**

Doston graduated from Case Western University School of Law in 2008 with academic distinction. Doston will be working with us on a part-time basis. In addition to be a licensed attorney, Doston is also an active fire fighter with the City of Cleveland. We are all excited to have Doston join are team!

I am also pleased to report that we have completed this year’s Annual Client Meetings. This year we set a record for the highest percentage of clients attending an Annual Client Meeting at 95%.

On a personal note, I want to extend my gratitude and appreciation to each of you that included some comments on the Client Response Form we distributed at the Annual Client Meetings with your suggestions on ways we can improve our services. I am still in the process of reviewing each of your comments as the stack of Response Forms is in excess of three inches thick! We have received many creative and thoughtful suggestions which we will be reviewing as a team in order to determine how we can improve our counseling and client representation.



Finally, I would like to extend a warm welcome to all the new clients that joined our client family since the first of the year. It has been a sincere pleasure getting to know all of you!

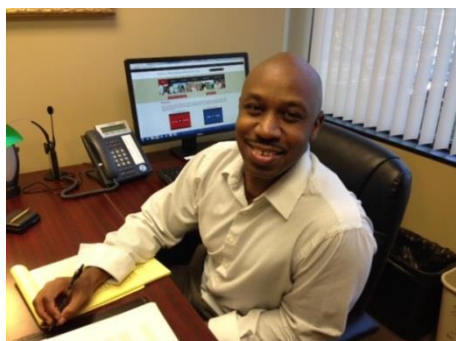
Enjoy the remainder of your summer and we will look forward to those of you that are updating your documents this year at an upcoming Client Update Program.

Peace!

*Scott*

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## From the Desk of Doston B. Jones



For those of you who haven't yet heard, my name is Doston Jones and I am the newest team member at Scott A. Williams & Associates, LPA ("SWA"). I joined the firm in May as a part-time associate attorney and my primary role will be in estate settlement.

Because I truly enjoy helping others, I also serve as a firefighter and medic for the Cleveland Fire Department. So, on days that I am not in the office, you might find me responding to a fire, rescue emergency, or medical emergency in a neighborhood near you!

I have spent my entire life in northeast Ohio and currently reside in Streetsboro with my lovely wife (Chanté) and daughter (Alexa).

In the short period that I have been with SWA, I have really enjoyed getting to know the members of our client family. I look forward to building on those relationships down the road both from a human relationship standpoint and, of course, through providing personalized estate planning service and counsel.

Sincerely,

Doston

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## Moving Soon or Changing Email Address?

If so, please don't forget to let us know what your new address or email is so we can keep our records current. If you are getting ready to move, but have not yet sold your home, please let us know and we can assist with coordinating the preparation of a new deed. Once you are settled in your new home, please call the office to set up a time to come in and sign a new Certificate of Trust referencing your new address.



## Upcoming New Client Orientation Workshops

We are pleased to announce the dates of our upcoming New Client Orientation Workshops. These programs are a pre-requisite first step in our planning process.



For couples, both spouses should plan on attending. As always, there is no cost or obligation to retain our firm for estate planning services by attending an Orientation Workshop. Thank you for your gift of referrals!

Prospective clients may register for a Client Orientation Workshop by registering online (LifeDesigLaw.com) or by calling the office at (216) 236-6480.

### *New Client Workshop Dates:*

*Tuesday, Aug. 4,  
9:30 to 12:30*

*Tuesday, Sept. 1,  
1:00 to 4:00*



## **“If you could leave behind one life lesson about money to your loved ones, what would it be?”**

At this year’s Annual Client Meetings, we distributed index cards to each client and asked them to answer the question “If you could leave behind one life lesson about money to your loved ones, what would it be”? Following are some of the answers we received.

We’ll be displaying all the answers on the bulletin boards in our learning center. Check them out when you next visit us – you’ll find a great cross-section of wisdom in the answers.

- Be disciplined with your money, but find time to enjoy yourself
- Save first...then spend.
- Dollars spent on others are sweet long after they’re gone.
- Use your money to enhance your life experiences and moments shared together, rather than materialistic belongings that devalue over time.
- Spending small amounts can add up to spending large amounts.
- Remember how hard your grandfather and father worked in order for you to have a more secure future.
- Keep your credit card balance at zero.
- Don’t spend money you don’t have.
- Give generously to those less fortunate than you.

## Website Updates

This past year, we have made a significant number of updates to our Clients Only website. One of the primary areas we looked at was the suggested readings page. Some of the books that were previously referenced were becoming outdated and have been removed. We also added some new books that have recently been released.

Additionally, we reorganized all of the suggested books into categories (i.e. Aging, Inspirational, Loss and Grieving, and Wealth Reception™). As a reminder, you may access these materials by visiting our website <http://www.lifedesiglaw.com/recommended-readings.html>. The password to log onto the clients only page is: success.

# Transferring Vehicles Without Probate In Ohio

By Doston B. Jones, III, Esq.



A common question we receive is whether a car can be transferred outside of probate. The short answer is a definite maybe!

Obviously, the simplest way to transfer vehicles outside probate is to title the car in the name of your living trust. Ohio's probate statutes offer some additional protection but they are not without limitations.

Transferring a vehicle outside of probate in Ohio can be achieved in several ways and is easiest when the deceased person is married. Under Ohio law, a surviving spouse may obtain ownership of up to two (2) passenger vehicles (i.e. a car, truck, motorcycle, etc.) with a combined appraised value of \$40,000 or less without the necessity of probate. This is true even if the vehicles are titled solely in the deceased spouse's name.

But this same statute does not apply if there is a common accident that takes both spouses' lives together or if the deceased person is not married. There is no corresponding state statute for transferring cars to non-spouses outside of probate if the car is owned individually at the time of death.

Also be careful that the combined value does not go over \$40,000. If the combined value of both vehicles exceeds \$40,000 then this statute will not apply and one (or possibly both) of the cars will have to be probated. Additionally, if you and your spouse own more than two cars, then the statute will not apply to the additional cars.



There are three other strategies for transferring vehicles outside of probate. One option would be to title the vehicle in joint ownership with the person you wish to receive it. The downside is there may very well be potential liability issues if your joint owner was driving the car and was in an accident. Additionally, if the person named as the joint owner died in the same accident there would be no surviving owner to receive it and a probate would be necessary.



Another strategy would be to utilize a "transfer on death" designation in which the car would pass to the named transfer on death beneficiary. Like joint ownership, it would require the intended recipient survive the original owner to inherit it. Additionally, a "transfer on death" designation provides no protection against probate in the event of a debilitating disability.

By far the safest approach is to title the vehicle in a living trust. This will ensure the vehicle avoids probate, will not subject the vehicle to additional liability risks during lifetime, and is effective regardless of the value of the vehicle.

Feel free to contact us if you need assistance funding your car to your living trust.



# Utilizing the “Wait-and-See Co-Trustee” for Disability

By Joseph M. Ferraro, Esq.

Dealing with the disability of a spouse or other loved one can be an incredibly difficult process. Many times, the healthy spouse is spending most of their time at the side of the disabled spouse. Their primary concern is one of comfort and support.



Whether the disabled spouse is living at home, spending time in the hospital, or living in a long term care facility, the healthy spouse will be taking care of both the routine and unique needs of the disabled spouse—whether that be making a home-cooked meal, waiting for the doctor to ask questions, requesting the nurses to provide an extra pillow or blanket, or just being there as a companion for support.

The healthy spouse may not even have the time (or desire) to monitor investments, pay bills, make bank deposits, meet with the CPA, or manage the assets in the disabled spouse’s trust. In fact, time demands may make them uniquely *unqualified* to serve as the sole disability trustee.



For this reason, many married clients have opted to include a planning strategy we refer to as the “Wait-and-See Co-Trustee.” The Wait-and-See Co-Trustee is a trusted helper (whether it be a close friend or relative) who serves alongside the healthy spouse if the Trustmaker were to become disabled.

The healthy spouse still retains the primary control—they are able to have the *final say* if there is a disagreement with the co-trustee, they can divide up the duties involved in serving as a trustee (or even delegate all of their responsibilities to the co-trustee), and they have the power to excuse the co-trustee should they choose.

This strategy is one example of the many strategies within the estate plan that clients can opt for more flexibility to accommodate the unforeseeable. If the healthy spouse decides at that time they do not need any help while serving as disability trustee, they can excuse the co-trustee from serving. If they decide they could use the appropriate assistance, the co-trustee is there for their support during a difficult process.

You are welcome to contact our office to schedule a private counseling meeting if you would like to explore this strategy as part of your living trust.

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## The Problem with “Do It Yourselfers”

An ongoing obstacle we continue to observe is clients that opt to prepare their own tax returns or do their own financial investing. The challenge is that usually the client does a good job completing these tasks but fails to put any type of backup plan in place in the event of their disability or death.

If you think you would be interested in interviewing a professional to assist with financial investing or taxes, please contact Scott for assistance. Having worked with hundreds of CPAs, Tax Preparers, Financial Planners, Insurance Agents and Stock Brokers, we are well positioned to lend assistance.

## \*\*\*\*UPCOMING EDUCATIONAL WORKSHOPS\*\*\*\*

We have several upcoming workshops that may be of interest to you. You are welcome to extend an invitation to friends and family to attend with you or on their own.

### **Living Legacy Workshop – Thursday, October 8<sup>th</sup> from 10:00 a.m. – 11:30 a.m**

If you were at the Annual Client Meetings last month, you will remember the short video presentation we shared called “Life is Good” – this was an example of how one family memorialized their legacy to their family.

By the time you read this newsletter, we will have had one of the two presentations scheduled this year with our most recent strategic alliance partner, Living Legacy Publications. The short one hour presentation explores some of the creative ways that people can memorialize their life legacies for future generations.

What impressed us in particular about Living Legacy Publications was that they have professional interviewers that will guide you through the process of identifying your most important life experiences and how your life has been shaped by those experiences. Once you have identified your experiences and values, the team at Living Legacy Publications will help you memorialize those defining life events in any one of a number of formats (i.e. videos, books, e-books, etc.).

We have reviewed the finished product of a number of other companies that seek to provide similar services and none have matched the quality of Living Legacy Publications. We highly recommend this company and feel confident you will see what an amazing gift you can leave to your loved ones.



The October 8<sup>th</sup> program is already close to being full so if you are interested in attending this presentation we encourage you to register early.

The program starts at 10:00 a.m. and will last approximately one hour depending on the number of questions from the audience. It will be held at our office in Seven Hills/Independence. Registration is easy, simply send an email to [Pat McCrea](#) or you may call the office and we would be happy to accept your reservation.

If you are planning on attending and have not confirmed or registered with Pat, we would ask that you do so to ensure adequate seating, handouts, and most importantly cookies! Please note that reservations will be on a first come, first served basis.

# Estate Planning Workshop for Gay & Lesbian Couples After *Obergefell v. Hodges*

Tuesday, August 18, 6:00 to 7:30 p.m.

or

Monday, August 31, 6:00 to 7:30 p.m.

Join Attorneys Scott A. Williams & Joseph M. Ferraro to discuss the recent Supreme Court of the United States case establishing a same-sex right to marriage and what the legal ramifications are of this landmark decision.

There remain a number of legal challenges and issues that any LGBT couple, whether married or partnered, needs to know when planning their affairs, making financial decisions, or making decisions at work.

## ***Topics Include***

- What protections the Supreme Court actually created (and did not create).
- Should you name your spouse as a beneficiary of your benefits at work?
- What impact will marriage have on a child's ability to qualify for financial aid for college?
- Can you still be fired for being gay?
- Who can decide what happens to your remains after your demise?
- Does your spouse have a right to make your medical decisions when you are disabled?
- Are there estate and gift tax advantages (or disadvantages) for being married?
- How is the probate process impacted for couples that are legally married?
- What special financial concerns arise for gay and lesbian couples?
- What effect does marriage have on providing nursing home care for a spouse/partner?
- When should a trust be used to plan an estate based on marital status?
- How children are affected by spousal rights of inheritance.
- How is Social Security, SSI, or SSDI impacted by being legally married?
- What are the income tax ramifications of getting married or being previously married?

***Both programs held at***

***Scott A. Williams & Associates, LPA  
5700 Lombardo Center Dr., Suite 290  
Seven Hills, Ohio 44131  
(Off Rockside Road)***

***Register by:***

***Phone: 216.236.6480  
Web: [LifeDesignLaw.com/Education](http://LifeDesignLaw.com/Education)  
Seating Limited to 24 People  
Reservations Requested***

## What to Do Workshops™

Have you and your helpers been to a What To Do Workshop™ lately (or ever)? If not, there is no time like the present to register for the Wednesday, November 25<sup>th</sup> workshop which will be held at our office from 9:30 to noon. There are still some seats available for this program.



This program is designed to introduce your “helpers” to the concept of a living trust as well as provide an overview of the various documents in your red estate planning portfolios. These documents can include health care powers of attorney, funding powers of attorney, living wills and the like.

We consistently find that those helpers who have attended a What To Do Workshop™ are significantly more prepared to provide effective assistance in winding down affairs or maintaining continuity of affairs in disability situations.

As always, you may register to attend this workshop either via our website or by calling Pat McCrea.

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## Ho Ho Holiday Party!

Just a reminder that our annual Holiday Party will once again be held at the Middleburg Heights Community Center on Wednesday, December 2, from 5:30 to 8:00 p.m.

We will send invitations by email to those clients on our email distribution list and will send paper invitations to those clients that receive communications by mail. Please be sure to hold the date – we would love to see all of you at this year’s party!



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## Tax Issues When Funding Your Car to Your Trust

Have you ever received a letter from the Ohio Department of Taxation advising you they were conducting a review of your Motor Vehicle title transfer? If you have – or do in the future – don’t despair. When we complete the back of an auto title transferring it into your living trust, we enter “0” in the field requesting the vehicle’s price. Unfortunately, some people may also enter “0” if they are trying to avoid the payment of state sales tax.

To prevent cheating, the State of Ohio Department of Taxation randomly contacts “sellers” which indicated the car was transferred for no value. The letter asks the seller to complete and return a short questionnaire explaining why no money exchanged hands. Completing the question, “Were there any other circumstances involved in the transfer of the title?” can be answered by, “Transferred vehicle into my living trust for estate planning purposes.”

Understanding you haven’t been personally singled out should prevent the anxiety you might experience if you ever receive your own “Love Letter” from the Ohio Department of Taxation. Please call us if you need assistance.



# How To Open A New Bank Account in the Name of Your Trust

## By Maggie Dellinger, Trust Funding Coordinator

All clients with living trusts need to exercise care to ensure all of their financial assets are properly titled in the name of their living trust. Naming a trust as the owner (or in some situations as a beneficiary) of financial assets will ensure the account is not subject to probate, maintains trust protections over the inherited assets (i.e. divorce, creditor, remarriage, etc.) and reduces taxes to the greatest extent possible.



Each financial institution will need evidence a trust is in place as well as its exact name, so that the account can be titled properly. Start by locating your blue LifeDesign™ Portfolio, then turn to the tab called “Funding”. Behind this tab is a laminated page called “Funding At A Glance™”. This document will provide you with more detailed instructions.

Additionally, you will also want to locate one of the “Funding Packets” (also behind the “Funding Tab”) which will contain an Affidavit or Certificate of Trust as well as copies of the first few pages and last page of your trust. We have included extra copies in each client’s blue book to ensure they are readily available when opening a new account.

*You will want to take the Funding At A Glance™, Funding Packet, Trust ID Card and Photo ID with you when you go to open the account.*

You will want to take the Funding At A Glance™, Funding Packet, Trust ID Card and Photo ID with you when you go to open the account. Provide this documentation to the customer service representative. The bank will require you to sign a new signature card to establish your account. (The signature card is the

document that verifies trust ownership, the account number, and obtains your legal signature for the bank’s records.)

As always, once the account has been successfully established we will need some type of verification from the bank to ensure the account was titled properly. A copy of the signature card you signed works well.

Despite what some customer service representatives may tell you, there is no reason you should ever have to provide a copy of the entire trust agreement to the bank. Your trust is confidential, personal, and to be candid, who you leave your assets to and how that is accomplished is of no concern to the bank. If you are told an entire copy of the trust is required, we encourage you to have the customer service representative contact us so we can identify what additional information may be needed in order to open the account.

Please note, if online banking is important; be sure to let the customer service representative know so that they can make certain there is no loss of internet banking access. As a reminder, you are not legally required to have the name of your trust printed on checks. Be sure to let the customer service representative know if you prefer not to reference the name of your trust on your checks.

Finally, always make certain that any existing bank account you are transferring to your living trust is not a qualified retirement plan. Changing ownership of a qualified retirement plan to your living trust is treated by the IRS as if you withdrew the entire amount thus causing a potentially catastrophic income tax liability.

Of course we are always happy to assist with opening any new account. Feel free to contact me or Pat McCrea if we can be of assistance.



## It's Summer! Let's "Stalk" Corn! (Yes, it's a "corny" joke.)

With the sweet corn season upon us, we found some great recipes you might enjoy.

### Dill-Caper Corn

Mix 1 stick softened butter with ¼ cup chopped dill, 2 tablespoons capers and the zest and juice of 1 lemon. Spread on cooked ears of corn. Wrap corn in foil and place on hot grill for 10-15 minutes.

### Bacon-Wrapped Corn

Wrap raw ears of corn with 2 pieces bacon each; wrap individually in foil. Grill over medium-high heat, turning once, 15 minutes.

### Buffalo Corn

Whisk 6 tablespoons melted butter and 3 tablespoons Buffalo wing sauce; brush on cooked ears of corn. Sprinkle with crumbled blue cheese, celery salt and chopped scallions.

### Lemon-Pepper Corn

Mix ¼ cup kosher salt, 2 teaspoons pepper and the zest of 1 lemon. Sprinkle on cooked ears of corn.



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## Wills and Estates



From time to time we are asked what types of legal cases we take. In addition to trust based estate plans, we also can assist clients that wish to create a simple will.

A "simple will" centered estate plan not only includes a simple will but also health care documents (such as a health care power of attorney, living will, HIPAA release and health care checklists) but also financial powers of attorneys.

Attorney Joe Ferraro is the primary attorney that assists clients with simple wills and would be happy to meet with any friends, family members, or co-workers that may be in need of this service.

We can also assist families that need help winding down a loved ones will or trust – even if we were not the attorneys that prepared the original documents! Feel free to contact us for more information on how we can help.