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Sandy Woner, CPA, CFP®
Vice President
Director of Financial Planning



Bobbi Putman, CFP®
Vice President
Financial Planner

12 Estate Planning Must-Dos

Many people have already created estate planning documents that include a will, trust, healthcare power of attorney, general durable power of attorney and a living will. It is recommended that your estate attorney look over your documents every 10 years, or sooner if your family dynamic has changed.

1. Do you have a will and powers of attorney for health care and property? These are part of every complete estate plan. With a health-care power, you choose an agent to act on your behalf if you become unable to make your own decisions. With a durable power for property, you select an agent to act if you are incapacitated and cannot sign a tax return, make investment decisions, make gifts or handle other financial matters. Make sure your health-care power addresses the Health Insurance Portability and Accountability Act. This governs what medical information doctors can release to someone other than the patient.
2. Do you need to change any beneficiaries, executors, trustees, guardians or others named in your documents? Are all still living? Can someone else fill a role better?
3. Are there any updates needed to addendums to your will that specify how your personal property is to be distributed?
4. Did you move to a different state since the execution of your estate planning documents? If so, seek out a local estate attorney to check any legal differences for planning between your former and current state of residence.



5. Do you need a revocable living trust, or is your estate composed primarily of assets that will efficiently pass to your chosen heirs via beneficiary designation?

A revocable living trust is a type of trust that you create during your lifetime. You have full access and control of the trust assets, and you may make changes or amendments at any time during your life. The primary purpose of establishing this legal document is to outline how you would like your assets distributed upon your death.

There are three main benefits to owning assets within a living trust.

- a) A living trust avoids probate.

Probate is the process the state court system undertakes to determine who receives your assets in the absence of direction from a living trust.

- b) A living trust may save you money.

There is an upfront cost paid to the estate planning attorney to draft your trust document. However, you will avoid probate fees and oftentimes lengthy delays in distributing your assets.

- c) A living trust provides privacy.

Distributing assets within a trust remains a private process. On the other hand, probate is a fully public endeavor.

6. Have your children passed the ages specified in a children's trust (in which you designate money for such specific purposes as education, home down payments or weddings once the kids reach stipulated ages)? If your estate documents call for a trust to give children access to money at certain ages after you die, you may be able to delete that language if the children are older than the specified ages.
7. What happens if one of your kids gets divorced? A trust can help you protect assets for your child or grandchild.
8. Do you have heirs with special needs? Do not assume typical estate documents help such an heir. Seek out a financial advisor and attorney who specialize in this type of special needs planning.
9. Check beneficiary designations on brokerage and investment accounts, insurance policies and retirement accounts. Is there anyone that you may not want named?
10. If you filled out a brokerage account application (or any beneficiary designation), understand the firm's

policy when one beneficiary dies before the others. If you want the share of the assets to pass by blood line - to the deceased's children, for example - you may need to put in language specifying per stirpes (distribution of property when a beneficiary with children dies before the maker of the will).

Otherwise, the remaining listed beneficiaries may simply divide the assets.

11. Often a parent names a child on a bank account so the child can access or use the money if the parent cannot act. Understand that if you name your child as a joint owner on an account, the money passes to your child no matter what your will dictates. The child splitting the money with someone else constitutes a gift, although one that will probably not be subject to gift tax because only gifts over \$11.4 million in 2019 are taxable.
12. Do your heirs know where to find all of your important information? Let someone know where you store physical documents and online passwords.






While we do not prepare estate planning documents at Tri-Star, we are happy to review them for our clients to ensure they are up-to-date and written in a manner that will accomplish your stated objectives.

We will also work cooperatively with your estate planning attorney and accountant during the process of drafting or amending your estate plan.

If you have any questions about your current estate plan, or if you are thinking that now may be the time to create one, please reach out to a member of your Tri-Star Trust Bank team for guidance.

5 estate planning documents



-  Will
-  Durable power of attorney
-  Health care power of attorney
-  Living will
-  Revocable living trust



1004 N Michigan Ave
Saginaw, MI 48602
(989) 921-0010



160 S Main St, Suite 2
Frankenmuth, MI 48734
(989) 652-6600



3511 Coolidge Rd, Suite 300
East Lansing, MI 48823
(517) 827-0045



200 E Main St, Suite 100
Midland, MI 48640
(989) 492-7620