

***Planning Ahead***



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**Estate Planning – Not So Simple**

Most people starting the estate planning process believe their situation is very simple and “cookie cutter.” But there’s almost always some aspect they haven’t considered, where their estate planning attorney can provide “value added”.

Take the case of John and Mary. They have 2 adult children and three young grandchildren. The plan is to leave a certain amount to the grandchildren and everything else to the children.

They did not consider that the gifts to the grandchildren might require filing for an expensive Court-supervised guardianship. Their attorney suggested naming a custodian to receive a gift to an underage grandchild under the Uniform Transfers to Minors Act, without need of a guardianship.

One of John and Mary’s grandchildren has “special needs” and may in the future need public benefits. John and Mary never considered that leaving money to the grandchild might cause her to lose those benefits. Their attorney recommended they leave money to the grandchild in a special needs trust that would provide for her needs not covered by public benefits, without jeopardizing the benefits.

John and Mary’s older child is having financial problems and may be headed for bankruptcy. They were worried any inheritance received by the child might be seized by creditors but did not think this could be avoided. Their attorney proposed including a carefully drafted “spendthrift” trust to preserve the inheritance for the child, shielded from creditors.

John and Mary’s younger child and two of their grandchildren live with John and Mary. In their heart of hearts John and Mary would like their house to go to that child, even if the children’s inheritances would not be perfectly equal. After their attorney explained the possibility that property taxes could be reassessed making it unaffordable for the child to stay in the house, provisions were made in the estate plan to preserve John and Mary’s low property taxes for that child.

The role of the estate planning attorney is to drill down, ask the next question and to provide advice based on years of experience drafting hundreds of estate plans. There is no “do over” in estate planning. Professional advice is worth the expense and will provide peace of mind that your family will be taken care of as you intend.

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