

***Planning Ahead***



***Lisa C. Alexander, Esq.***  
***Jakle & Alexander, LLP***

**Probate Just Got Worse – Time for a Living Trust**

The Courts were closed from March to June. Except for emergency hearings, all Probate matters ground to a halt. All the Petitions that were set for hearing during that time were continued to the Summer. All new Petitions are set for hearing in the Fall and in some cases into next year.

It may not seem like a big deal, since Probate deals with estates of people who are dead. But the Court closure and delayed hearings have real and devastating consequences for the family left behind.

The Petition for Probate is the first step in settling a Decedent's Estate. By law, the hearing on the Petition for Probate is supposed to occur within 30 days of the date it is filed. But, due to Court backlogs, Petitions for Probate may not be heard for five or six months. Meanwhile, there is no access to Estate funds to reimburse for funeral expenses or to keep the mortgage on the house current. Beneficiaries are having to advance these costs out of their own pocket for months, or deal with the consequences when they just plain do not have the money.

And, what happens to children and family when a Decedent's Estate is tied up in Probate? There are protections for family who were dependent on the Decedent for support. They can petition the Court for an allowance so the family can stay in the home and the utilities and other bills can be paid. But in a recent case, the Decedent died suddenly leaving his wife and children who depended on him as the sole breadwinner. The hearing on the Petition for Probate is six months away, leaving the family with no money. The family petitioned the Court for an emergency hearing to grant an allowance for support. The Court denied the emergency hearing leaving the family in dire straits as they wait several more months for the Petition to be heard.

All of this can be avoided with proper estate planning that includes a Living Trust. A Living Trust is intended to avoid Probate, to avoid ever having to deal with the Court. In this time of uncertainty, estate planning is one way to take back control. Mind your legacy and protect your family.

Lisa C. Alexander is an attorney at Jakle & Alexander, LLP. She can be reached by calling 310-656-4310 or by emailing her at [alexander@jaklelaw.com](mailto:alexander@jaklelaw.com).