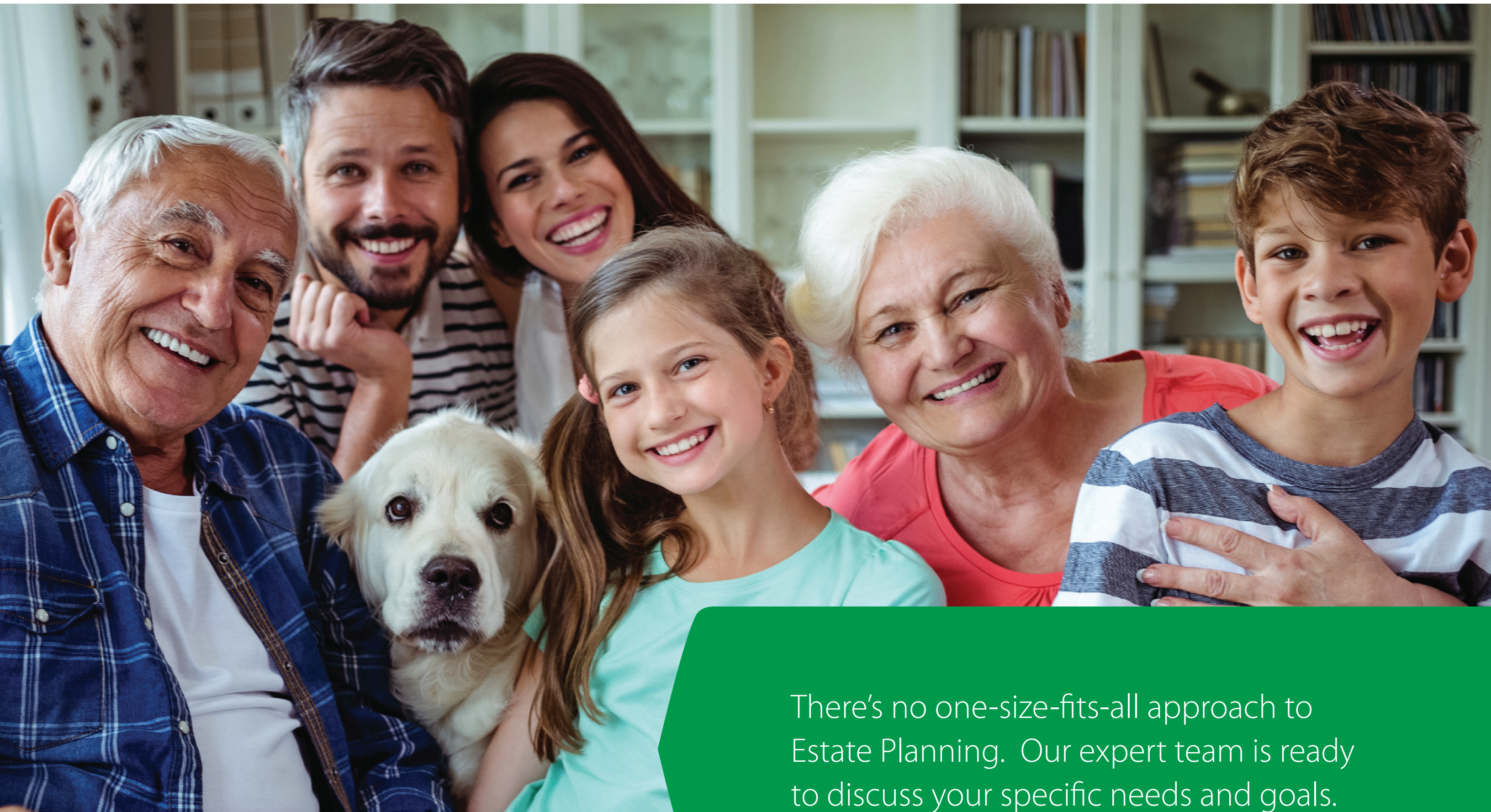
An Introduction to Our Estate Planning Services and Pricing.



There's no one-size-fits-all approach to Estate Planning. Our expert team is ready to discuss your specific needs and goals.

Surprenant & Beneski, P.C.

Strategic Planning for Your Peace of Mind

ESTATE PLANNING | ELDER LAW

Welcome to Surprenant & Beneski, P.C.

Creating an Estate Plan is a critical component to safeguard your family's future and leave a lasting legacy. We understand that starting the process isn't always easy. It's like making a resolution to get in better physical shape: We know we should do it, but taking that first step can be daunting. ***Congratulations on taking the first step!***

What Is an Estate Plan?

A lot of people have a rather simplistic view of Estate planning: They want to tell their family who gets their stuff when they die.

Estate planning is much more than that. You want to think about your Estate Plan in two parts: What happens when you're alive and what happens when you die.

Let's start with being alive. Whether you are young or old, rich or poor, unexpected things can happen in life. Along with the good times *(may you have MANY good times!)* there are going to be bumps in the road. A proper Estate Plan should make managing those bumps easier. In the case of a "big bump" such as becoming ill or incapacitated, your Estate Plan should include documents that let someone you trust make legal, financial and medical decisions. Otherwise, these decisions will be made for you by the court. In addition to making sure your wishes are carried out in a timely manner, a proper Estate Plan could also save between $3,500 - $6,000 in court costs and legal fees.

Now for the death part. Everybody eventually dies. You don't need a lawyer to tell you that. Your Will is your set of instructions as to how you want to distribute your savings, property and other assets upon your death. Typically, people leave their property to a relative, friend or charity. Your property may be distributed all at once, or in the case of a young heir, over time.

There are a lot of factors to take into account when creating your Estate Plan including your age, the ages of your beneficiaries (if any,) salary, savings, assets, marital status and children. But life doesn't stand still: Salaries may increase or decrease, assets come and go, children grow and form families of their own, and laws change.

Yes, you have an Estate!

Your Estate is made up of everything you own: cars, home, checking and savings accounts, insurance policies, investments, possessions (like that cool Beatles album collection), furniture…you get the idea. Whether your Estate adds up to $10,000 or $10 million, we've all got one thing in common: We can't take it with us when we die.

You'll want to have a say in how all of your things are given to the people or organizations you care about. So, to ensure your wishes are carried out, you need to provide instructions:

WHO ***do you want to receive something of yours?***

WHAT ***do you want them to receive?***

WHEN ***do you want them to receive it?***

And let's make this happen with the least amount of taxes, legal fees and court costs.

Your Estate Plan Begins With a Will.

A **Will** is a signed and witnessed written document that indicates how your Estate will be distributed through the probate process after you die. Probate is the legal process by which your final debts are settled and legal title to property is formally passed to your beneficiaries. It also lets you nominate guardians for minor children. In your Will you shall name the person(s) who will work with the Probate Court to administer your Estate.

But even when you have a Will, your Estate may be subject to probate cost and delay. Also, the probate process can be difficult for families, especially when they are still dealing with the loss of a loved one. This is why some families choose to hire attorneys to help get through the probate process.

BASIC

WILL-BASED PLAN

A Will-Based Plan includes your Last Will and Testament and the four documents described below. Depending on your goals and assets, you may choose to complete additional Estate planning that we'll describe in the following sections.

A Will-Based Plan may be sufficient if you...

- are relatively young and healthy.
- don't have a lot of assets.
- have a simple distribution plan.
- don't mind that your heirs will spend time and money in the probate court process.

PROS include:

- Least costly option
- Save approximately $3,000 – $5,000 plus the hassle and delay of guardianship and/or conservatorship
- Peace of mind – Avoid the court naming your decisions makers
- Provides asset management without court involvement if you become incapacitated

CONS include:

- Fewer distribution options
- Some administration costs once you die
- Probate Court process can last up to two years and add additional cost
- Without a Will, probate can cost on average $4,000 - $8,000

Durable Power of Attorney

Lets you designate who you want to make **legal and financial decisions** on your behalf if you become sick or incapacitated and cannot make them for yourself.

Health Care Proxy

Appoints a Health Care Agent who will make **healthcare choices** on your behalf if you are unable to make them for yourself.

HIPAA Release

Lets you name individuals to have access to your private, protected **medical information** so they are not blocked by privacy laws.

Living Will / Personal Directive

This document contains your wishes regarding healthcare instructions, including if you wish to receive life support. It provides guidance to your Health Care Agent if called upon to make **life or death decisions.**

Taking the Next Step: Trust Planning.

A Will and its associated "living" documents is a great place to start, but it does not avoid the probate process. Also, it doesn't take into account many of the complexities and wishes you may have when it comes to distributing your assets. That's why a Trust-based Plan makes sense for many families and individuals.

COMMON

TRUST PLANNING

A Trust provides both lifetime and after-death property management. Trust-Based Plans avoid the cost and delay of probate and can achieve many other goals including keeping assets in your family.

You may want a Trust-Based Plan if you...

- have significant assets (such as a home).
- want to avoid the costs, delays and public nature of probate court.
- want to protect assets for your family in case of your child's divorce, death or a lawsuit.
- don't like the idea that if your child passes your assets may go to his/her spouse, or that spouse's new significant other.
- have a more complicated distribution plan.

PROS include:

- Save the costs and delay of probate (averages $4,000 - $8,000 depending on complexity)
- Keep administration private
- Allows you to keep assets in your family
- Options to protect your child's inheritance in case they become divorced, get sued, file bankruptcy, etc.
- If you become incapacitated, someone else can manage the Trust while you're alive
- More distribution options than a Will-Based Plan

CONS include:

- Costs more upfront than a Will-Based Plan
- There may still be some administration costs

DEPENDING ON YOUR FAMILY SITUATION

SPECIAL NEEDS PLANNING

AVERAGE COST: $3,000-$4,500

Special Needs Planning can help maintain a fulfilling lifestyle and secure the financial future for loved ones with mental or physical disabilities.

A well-drafted Special Needs Trust allows the beneficiary to become and remain eligible for needs-based government benefits while also providing good money management.

Protecting Your Estate From Taxes.

You might think that Estate taxes are only something that the very wealthy need to worry about. The Massachusetts Estate tax is levied on individuals with $1 million in assets, and it can take a large chunk out of an Estate. Whatever your age or income, once you add up all of your assets – your home, retirement accounts, and life insurance – it's quite possible that you've surpassed $1 million in assets. It's time to plan.

BIGGER, TAXABLE ESTATES

ESTATE TAX PLANNING

An Estate Tax Plan is a form of trust planning that is designed to minimize or eliminate state and federal estate taxes. The estate tax is a type of "death tax" imposed on the property you own at your death before it can be transferred to your heirs.

You may want an Estate Tax Plan if you...

- have a Massachusetts estate valued at more than $1 million. This includes all assets including your home, life insurance and retirement plan.

PROS include:

- Save $30,000 - $100,000+ in estate tax
- Achieve all of the other benefits outlined in "Trust-Based Planning"

CONS include:

- More costly to prepare, but the tax savings far outweigh the upfront costs
- There may still be some administration costs

You May Have More to Think About...

Our experienced team can also help you think about other needs including:

- Planning for minors
- Business succession planning
- Guardianship and/or conservatorship
- Pet trusts

If these topics are appropriate for your plan, we can discuss them with you at your initial consultation.

We’re Not Getting Any Younger.

As your golden years approach you’ll want to plan to ensure you can maintain a good quality of life and the peace-of-mind that comes from knowing you’ve done all you can to protect your assets from the high costs of age-related medical care and long-term care (which averages $12,000 per month).

The ideal time to think about this planning is while you are healthy, at least five years in advance of potentially needing long-term care.

LONG-TERM CARE PLANNING

Long-Term Care Planning provides peace of mind by knowing that you have taken action to protect what you have worked so hard to accumulate from being depleted by the cost of long-term care (approximately $12,000 each month).

The time to consider this planning is while you’re still healthy and don’t anticipate the potential need for at least five years.

MassHealth CRISIS MANAGEMENT

If you didn’t do advance planning to protect your assets or become suddenly ill and a long-term nursing home stay is imminent, you may still be able to protect some of your assets while legally qualifying for MassHealth (Medicaid).

We can guide you through the complex rules and paperwork so that you or your loved one qualifies under Medicaid rules for any benefits you are entitled to while preserving as many of your assets as possible.

Our partners, Dan Surprenant and Michelle Beneski, are recognized as **Certified Elder Law Attorneys** (CELA) by the National Elder Law Foundation. They’re part of a very select group – there are only 24 CELAs in Massachusetts (as of July 2018.)

Meet Our Attorneys

LEFT TO RIGHT:
Wendy W. Weston, Esq., Associate Attorney; Daniel M. Surprenant, Esq., CELA, Managing Partner; Michelle D. Beneski, Esq., CELA, LLM Taxation, Managing Partner; Rebecca S. Spinner, Esq., Associate Attorney; Erin L. Nunes, Esq., Partner

OUR COMMITMENT...

- Deliver personalized, goal-based plans and support
- Dedicated experts committed to helping you navigate the complexities of the planning process and explaining the complexity of the law into layman terms
- Complementary three-year review

OUR PROCESS...

1. **Homework:** It starts with a worksheet we've prepared to help you document all of your assets, accounts, investments, etc. You'll also start writing down your wishes such as who you want to receive your possessions and care for your family and pets. You'll send your worksheet to us ahead of your consultation so we can review it and start developing our recommendations.

2. **Consultation:** Your initial consultation fee includes your attorney's prep time and a 90-minute meeting with your attorney to discuss your worksheet, personal situation and goals. At that time, your attorney will provide you with their recommendations and quote the cost to prepare your plan. Your consultation fee will be applied to work valued over $1,000.

3. **Timing:** It usually takes between 4-6 weeks from your initial appointment to signing off on your final legal documents.

4. **Review:** We offer all clients a complementary 30-minute review every three years. This is important because there may be changes to laws, taxes, as well as your personal situation.

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