



Is It Time To Do or Update Your Estate Planning?
Take this simple quiz to find out

- | | Don't know | No | Yes |
|--|--------------------------|--------------------------|--------------------------|
| 1. Have you prepared a Will or a Living Trust? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Without proactive planning, you are relying on your state's legislature to determine how your assets pass, to whom they pass, and when they pass. In addition to having potentially undesired results, this is perhaps the most costly and time consuming means of passing your assets to your loved ones. | | | |
| 2. If you have a Will or Living Trust, has it been reviewed in the last 3 years? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Even if there have been no family or financial changes since your plan was last reviewed, there have been multiple and significant federal tax law changes in 1997, 2001, 2010, and 2018 as well as in the state of Tennessee, most recently in 2016. Our experience is that people view estate planning as an event rather than a process. Making your estate planning an ongoing process is vital to achieving the goals you set out to accomplish. An out-of-date estate plan is perhaps worse than no estate plan at all. | | | |
| 3. Are all of your heirs over the age of 18 and financially responsible? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Under TN law, your heirs will inherit assets at age 18 if you don't make other arrangements. Proper planning is crucial to prevent an heir from squandering his or her inheritance, or worse, from causing harm to himself or herself. Moreover, you should take special steps to decide who will raise your minor children if you are gone. Otherwise, under TN law, the court will make this decision for you. | | | |
| 4. Are you absolutely certain that your assets will not be subject to probate? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| We encourage you to make a list of each asset you own and identify how each asset is going to avoid probate. Assets owned as "joint tenants with rights of survivorship," assets owned in the name of a trust, and assets that pass by beneficiary designation (such as IRAs, life insurance, etc.) will avoid probate (but note that assets owned jointly are typically subject to probate upon the death of the last joint tenant). Everything else is subject to probate. Probate can sometimes be costly, time consuming and create family conflict. | | | |
| 5. Do you have assets titled jointly with a child, or children, or someone else? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Holding assets jointly with someone other than a spouse is quite common, but has some potentially devastating consequences of which most people are unaware. If you put your son or daughter's name on your home or bank accounts, his or her creditors could very well take the entire asset to satisfy the creditor's claim. A creditor would include a divorcing spouse, judgment creditor, IRS or other business creditor. Additionally, problems can be created if joint tenants die in the wrong order. | | | |

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Don't know No Yes

6. Does your current plan provide your heirs with asset protection, divorce protection, long term care protection and lawsuit protection?

The most common means of providing for heirs is with outright distributions. By doing so, however, the inheritance becomes subject to the creditors of your heirs. In addition, if you have an illness which requires long term care, your assets are subject to being depleted without long term care insurance and other asset protection strategies, such as an asset protection trust.

7. Is this your first marriage?

Second or subsequent marriages present unique planning issues, particularly if both spouses have children from a prior marriage. Proper planning is critical to prevent undesired results.

8. Have you designated an agent to make health care and financial decisions for you if you become incapacitated?

If you are incapacitated, an agent must be designated to act on your behalf. If you do not have a durable power of attorney or revocable living trust which appoints a successor to handle your medical and financial affairs, your loved ones will have to petition the Court for the appointment of a conservator to make decisions on your behalf. A conservatorship filing is public and can be costly.

If you answered "Don't know" or "No" to any one of the above questions (or "Yes" to Question 5), you should make an appointment to speak to an attorney about your estate plan.

Disclaimer

Please note that the above information is not intended to serve as legal advice. If you would like to discuss your quiz responses, the consequences of not taking action, and potential solutions to the issues raised by this simple quiz, please contact the Law Office of Virginia Griffiee to schedule an appointment:

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