

The Legacy Letter



Comprehensive Estate Planning, Asset Protection, Business Structuring

DON'T EXPOSE YOURSELF THIS SPRING! PLAN AHEAD

We are members of a legal forum that takes questions from the public. Here is a recent sample of some of those questions:

My wife had a stroke and can't communicate. How can I get a power of attorney?

Answer: It's too late! A Health Care Power of Attorney can only be given to an agent when the person has mental capacity to give that power. Your option is now limited to petitioning the court. This will cost a lot of money and take time but will work.

Our dad passed away and our step-mom is living in his house. He wanted us to get the house but we think she is going to give it to her kids. Can we kick her out?

Answer: If your dad wanted you to inherit the house, did he create a plan to make sure that would happen? A spouse has an "elective share" and cannot be disinherited. If your step-mom was a joint tenant with your dad, the house is now hers.

My deceased father was beneficiary with his siblings on a promissory note. Can his siblings assign to us (his kids) the payments that went to him?

Answer: Depending on the terms of the agreement that might be possible and the children may very well have a right to those payments. Did your father mention these payments in his will or assign them to his trust?

As executor to my father's estate, how can I protect his assets from a sibling who is convincing him to give her a lot of his money?

Answer: The executor only has authority after the death of the person, not while the person is still living. If your father is of sound mind, he can give his assets to whomever he pleases. If he lacks mental capacity, hopefully he gave someone a Durable Power of Attorney to watch over and control his assets. If there is no Power of Attorney you can petition the court for



guardianship. Unfortunately, this will take a lot of time and cost a lot of money.

If you have a client, family member, or friend who is exposed - and you can tell because they could ask questions like these - let us help get them covered up! Contact us here:

<https://planrightlaw.com/>



"April Showers Bring Soccer Season!"

The Utah Royals, our local women's professional soccer club, held its home opener on the 20th and scored a victory! Plan Right Law gave 20 game tickets to one of our favorite non-profit organizations, Future in Design (FIND), run by our friend, Nicholina Womack. Find helps marginalized students from underprivileged backgrounds learn design and tech skills, partnering with companies like Microsoft and Adobe. You can learn more about FIND at www.FutureINDesign.org.



Certified Medicaid Planner

After months of study, preparation, and attendance at a Medicaid seminar conducted by Michael Anthony, the premiere Medicaid attorney in the country, David passed the 3-hour Certified Medicaid Planner (CMP) examination. You can learn more about what it means to be a CMP here:

<https://cmpboard.org/what-is-a-cmp/>



How to Find Us

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