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Revision 2024a

# Family Legacy™

*estate plans that work™*

## CLIENT ORGANIZER (OPERATOR'S MANUAL)



**For Red, Blue & Green Groups**  
**Family Legacy™ Legal Services**



• CO-CREATING PLANS THAT WORK WITH FAMILIES WHO CARE •

1300 York Road, Suite 120  
Lutherville, Maryland 21093  
(410) 296-3358  
Toll Free (800) 434-4188  
[info@estateplan.org](mailto:info@estateplan.org)

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## **TAB 1**

### **How We Work Together** **(Commitments to Each Other)**

- 1. Edward S. Clay, P.A. Team**
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***Important note: Keep your signed Law Firm Commitments and Client Commitments in this section of your physical copy of your Operator's Manual (Black Book).***



## PERSONNEL

**Web Site:** [www.estateplan.org](http://www.estateplan.org)

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## ATTORNEY REFERRAL “YELLOW PAGES”

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Contact your



EDWARD S CLAY PA  
LAW OFFICES

Operator

for

Directory Assistance!

410.296.3358

(“Not free, but included at no additional charge.”)



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# THE CLIENT ADVISORY COUNCIL

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A critical element of building our Family Legacy™ community here at the Law Offices of Edward S. Clay, P.A. has been the service of the Client Advisory Council. Our Council, consists of clients and helpers who give of themselves to help us make our experience together better.

The Firm consults with the Client Advisory Council for their recommendation on matters such as change in Firm policy, fees, and approaches to issues such as service, succession and the like. The firm meets with the Client Advisory Council twice per year. The Firm develops an agenda for each meeting *with* the Client Advisory Council (who may suggest items arising from their own concerns and concerns they've heard from other clients).

Service on the Client Advisory Council is a volunteer effort. Any Client or Helper may volunteer for service. The Firm does NOT appoint members of the Council. Although there is no financial compensation, a number of Council members have indicated that they receive great value from their service through enhanced attention they pay to their own personal plans, and increased understanding of the estate planning industry. The Firm has greatly benefited by accessing the wisdom of its client base on business, accounting and other technical subjects, as well as how to develop and present a system aimed at better ensuring that client plans will work.

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# CLIENT SERVICE PLAN

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**Edward S. Clay, P.A.**  
**Attorneys and Counsellors at Law**

## **The IDEAL WEEK™**

("A Standardized Approach for Individualized, Focused Service")

We pursue a concept known as the "Ideal Week" in order to better serve your needs through highly focused and targeted effort. Briefly, the Ideal Week involves implementing specifically scheduled planning and meeting time on a regular basis to address particular client service and firm planning needs.

During these times, all or part of the law firm service team will be unavailable by phone. In order to assure continued responsiveness, the phone message service will be regularly checked, and you will also have access to all firm team members through e-mail. As always, clear and "easy" questions will be answered immediately with a return call from the appropriate team member. Questions and concerns that involve legal issues will be handled on a scheduled teleconference or in-person appointment basis. Occasionally, we will also require a no charge teleconference to address service or relationship issues initiated by *either* the client or the firm.

The areas we will target include Legal Support (amendments and document preparation), Settlement (asset transfer, tax preparation and advice following client death or disability), Funding (asset transfer, both upon the initial formation of the estate plan and on an as-needed basis thereafter). In addition, we are emphasizing the need for better organization and coordination among the various service tasks within the firm.

Finally, we are scheduling standard firm office hours, as well as regular planned time off. Time off includes business retreat time (once per quarter), as well as personal vacation time. We believe it is essential that our professional service team be fresh and focused, and that you are best served by knowing exactly what to expect in terms of access for assistance you require in implementing your planning.



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# The IDEAL WEEK™

(“A Standardized Approach for Individualized, Focused Service”)

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<u>Day/Time</u>	<u>Task</u>	<u>Team Members</u>
-----------------	-------------	---------------------

**MONDAY**

9:00 to 11:00 a.m.	Full Team Meeting	All
2:00 to 3:00 p.m.	Pro Active Elder Law National Video Conf (2 <sup>nd</sup> Monday)	Ed
2:30 to 4:30 p.m.	National Video Conference - Training (3 <sup>rd</sup> Monday)	Ed

**WEDNESDAY**

3:00 to 4:30 p.m.	National LifeSpan Training	Ed
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**THURSDAY**

12:00 to 2:00 p.m.	Full Team Training	All
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**OFFICE HOURS**

9:00 am to 5:00 pm	Monday through Friday
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# Family Legacy™ Legal Services YEAR IN REVIEW

Month	Law Firm	Client
January	<ul style="list-style-type: none"> <li>· Updating of Asset Review Report</li> <li>· Legal Study/Research</li> </ul>	<ul style="list-style-type: none"> <li>· Register for Annual Family Reunion</li> <li>· Update Asset Review Report</li> <li>· Renewal due 1/31</li> </ul>
February	<ul style="list-style-type: none"> <li>· Updating of Asset Review Report</li> <li>· Annual Family Reunion Prep</li> </ul>	<ul style="list-style-type: none"> <li>· Update Asset Review Report</li> </ul>
March	<ul style="list-style-type: none"> <li>· Conduct Annual Family Reunion</li> <li>· DocuBank renewal</li> </ul>	<ul style="list-style-type: none"> <li>· Attend Annual Family Reunion</li> </ul>
* April	<ul style="list-style-type: none"> <li>· Family Legacy Learning Solution</li> </ul>	<ul style="list-style-type: none"> <li>· Family Legacy Learning Solution</li> </ul>
* May	<ul style="list-style-type: none"> <li>· Conduct Annual Family Reunion</li> <li>· Newsletter</li> </ul>	<ul style="list-style-type: none"> <li>· Attend Annual Family Reunion</li> </ul>
June	<ul style="list-style-type: none"> <li>· Finalize Legal Changes</li> <li>· Mail EPRW</li> <li>· CAC Meeting</li> </ul>	<ul style="list-style-type: none"> <li>· Update &amp; Return EPRW</li> </ul>
July	<ul style="list-style-type: none"> <li>· Conduct CUP</li> </ul>	<ul style="list-style-type: none"> <li>· Attend CUP</li> <li>· Update &amp; Return EPRW</li> </ul>
August	<ul style="list-style-type: none"> <li>· Conduct CUP</li> </ul>	<ul style="list-style-type: none"> <li>· Attend CUP</li> </ul>
* September	<ul style="list-style-type: none"> <li>· Conduct CUP</li> </ul>	<ul style="list-style-type: none"> <li>· Attend CUP</li> </ul>
* October	<ul style="list-style-type: none"> <li>· Family Legacy Learning Solution</li> </ul>	<ul style="list-style-type: none"> <li>· Family Legacy Learning Solution</li> </ul>
November	<ul style="list-style-type: none"> <li>· Settlement System Review</li> <li>· Wealth Reception Planning Review</li> </ul>	<ul style="list-style-type: none"> <li>· Wealth Creation &amp; Reception Activities</li> </ul>
December	<ul style="list-style-type: none"> <li>· CAC Meeting</li> <li>· Newsletter</li> <li>· Develop Calendar</li> <li>· Year End Mailing</li> </ul>	<ul style="list-style-type: none"> <li>· Wealth Creation &amp; Reception Activities</li> </ul>

\* New Client Acquisition Focus

Revised March 2023



# The Commitment Clarifier™

*For those who  
care enough to:*

- **Participate in Planning**
- **Share Information Fully**
- **Involve Trusted Advisors**
- **Engage Helpers & Loved Ones in Education**
- **Communicate Timely**
- **Respect Our Time**
- **Honor, Respect & Appreciate Our Relationship**

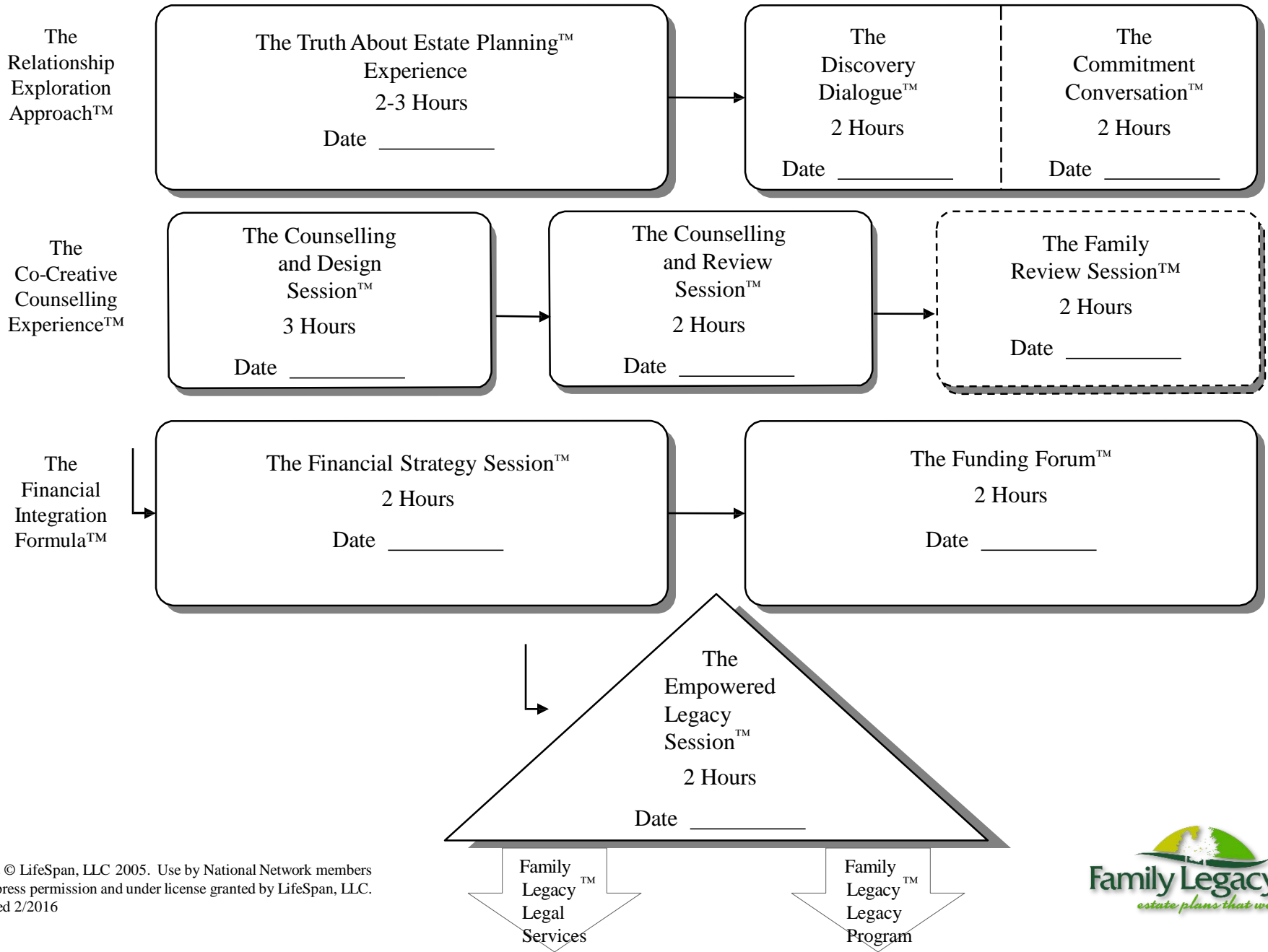
*We care  
enough to:*

- **Listen Actively**
- **Communicate Understandably**
- **Provide Personal Counselling**
- **Provide Timely, Friendly Service**
- **Maintain Technical Legal Excellence**
- **Be There for You & Your Loved Ones**
- **Empower your Legacy**
- **Respect Your Time**
- **Honor, Respect & Appreciate Our Relationship**

*“A Mutually Unreasonable Commitment to Co-Creating Plans That Work”*



# The Family Plan Development Navigator™



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## CLIENT COMMITMENTS

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I understand that the law firm, Edward S. Clay, P.A. will need my assistance in implementing my estate plan. In order to better ensure that my plan works, I make the following commitments:

I will notify the firm of any changes in my family circumstances as they may arise from time to time. I specifically acknowledge the importance of proactive contact with the firm regarding my own health situation.

I will provide assistance in the initial funding of assets to my revocable living trust and I will work *with* the firm to maintain the funding of my trust over my lifetime to ensure my estate avoids probate and that my personal instructions control my assets.

I will ensure my "helpers" are proactively prepared through attendance of a Nuts 'n Bolts I program within 12 months of the date of these Commitments. I will also strive to have a majority of my inheritors attend suggested education programs. I understand that my "helpers" and inheritors may attend either a live or pre-recorded educational event.

I will promptly register for and attend an Annual Family Reunion™ each year and my assigned Client Update Program™ every other year. I understand that if in-person attendance is not possible, I will make alternate arrangements (such as a Personal Counselling Review™ or the firm's Special Delivery System™).

I will update my list of financial assets (Asset Review Report™) each year.

I will complete and return my Estate Planning Review Worksheet™ ("EPRW") by the publicized deadline prior to my Client Update Program™ and I will use the EPRW for all amendments between Client Update Programs™.

I understand and acknowledge that my questions are important. I commit to write, call, or e-mail the firm with any questions I may have.

I understand that if I do not meet my commitments I may no longer be eligible to maintain my enrollment in the LifeSpan Legal Services™ program, and the reduced settlement fee offered to LifeSpan Legal Services™ participants will not be available.

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Date

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Date

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# LAW FIRM COMMITMENTS

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We understand that you, our client, will need the assistance of our entire service team in implementing your estate plan and for the year 2018, we each make the following commitments:

We commit to prepare your documents in a timely manner and will deliver your Trust and Ancillary documents within 21 days of your Counselling & Design Meeting.

We commit to full funding of your trust (including verification) within 120 days of your Funding Forum™ provided you and your asset holders assist us in a timely manner.

We commit to return Red Check™ information within 30 days and Advanced Red Check™ information within 60 days in order to provide you with assurance that your plan is properly funded.

We commit to completing amendments to your estate plan within 30 days of final agreement on the assignment (60 days with respect to amendments requested through a group meeting process). We further commit to return word-processed customization checklists within 30 days.

We commit to provide opportunities each year to educate you and your family members, other trust helpers and inheritors in order to increase their understanding of your planning. We further commit to conduct thorough Family Counselling Sessions™ with you and your family members.

We will work with your other professional advisors as you approve to ensure that your estate plan is properly structured to implement your goals and objectives.

We commit to return phone calls and emails to address your questions and concerns or to inform you of a need for a phone appointment within 48 hours of your initial contact with us.

We understand and acknowledge that your questions are important. We commit to take the necessary steps to ensure your questions are answered.

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Edward S. Clay  
Counsellor & Attorney At Law

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Client Services Coordinator

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Donna J. Clay  
Funding Coordinator

## **Memorandum**

To: All Clients  
From: Edward S. Clay, P.A.  
Date: January 2019

RE: **Communication Policy**  
(48 Hour Response Commitment from Time of Receipt)

### **“URGENT”**

*PHONE* for immediate (ASAP) Response. Only death and disability notifications qualify for this status. Be sure to TELL RUBY that “this is a notification call.”

### **e-MAIL**

This is the preferred method of communication. You know an e-mail has been received unless you receive a bounce-back message in your in-box. We can respond at any time, and this usually results in the quickest response for that reason.

### **Phone Call**

This can work well if you use the system. Remember that we work with Ruby Receptionists. You can and should leave a detailed message with your question or concern. Also provide your e-mail and preferred call-back number. If you just tell Ruby “they have it” or don’t let us know the topic, you’ll delay the response you want! Ruby copies all of us on messages, so we’ll be able to route correctly internally, and “cover” for each other when necessary so that you get quicker response time.

### **Drop-Off**

This can work, especially to protect personal information. Remember, however, that we have a small team and no on-site office receptionist. So please call ahead to be sure you’re expected and someone will be there to greet you! (Also keep in mind this is not an “appointment,” just a drop-off!)

### **Letter**

This is the least effective means of communication. You don’t know when the letter arrives and our commitment time begins, nor how long the return mail will take to reach you. In our experience, this creates stress and frustration for clients so we’d rather you NOT send letters. Many who like to write letters have taken to writing the letter the way they’re used to, then scanning the letter in an e-mail. This works like any other e-mail, and is therefore a good compromise.

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# THE CONTINUOUS COMMITMENT COMPACT™

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*No Additional Charge for:*

- Phone Calls
- Email Q&A
- Copies
- First Class Mail Postage
- “Word Processing” Adjustments
- Red Check Review™ and In-State Deeds
- Group Estate Plan Updates
  - Annual Family Reunion™
  - Client Update Program™
- Continuing Education:
  - Family Legacy Learning Solution Programs™
    - Family Education/Nuts ‘n Bolts
    - Technical Training Programs
    - Bridge Builder Series™
    - Community Builder Series™
- DocuBank® Membership
  - 24/7/365 Access to Advance Directives
  - Settlement Station™
- Personalized Plan Assistance
  - Personal Property (Special Stuff) Memorandum
  - Healthcare Letter of Instruction & Hypothetical Scenario Analysis
- As authorized or requested, communicating and coordinating with your advisors & helpers

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**EDWARD S. CLAY, P.A.**  
**SUCCESSION AGREEMENT REVIEW**

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**(What Happens if Something Happens to Ed?)**

- **Successor Attorney:**  
**Bobby Feisee**
- **Support Resources:**
  - **National Network of Estate Planning Attorneys**
- **Written Agreement**  
**Covering “Retirement”, Disability, and Death**
- **Family Protected by Insurance**



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# PERSONAL COUNSELLING REVIEW™ & UPDATE VIDEO CONFERENCES

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To ensure that your plan is kept current *Personal Counselling Review™* Sessions and Update Video Conferences are conducted from time to time.

*Zoom information is provided automatically via email  
upon scheduling of appointment*

There will be no operator, so simply announce yourself upon your arrival.

If the video conference is recorded, after a brief delay, the moderator will announce that recording has begun.



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# Welcome to the EDWARD S. CLAY P.A. ListServe for Group Communications

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From time to time we send group communications to our entire client family for announcements, instructions, and informational updates. We use a ListServe for this purpose so that we can ensure your email address is masked from being seen by other recipients.

- Email will be from: **Edward S. Clay P.A. or P.A. Edward S. Clay** depending on how your email presents contacts.
- 'To:' line will only show your email address
- Replies will go to: [info@estateplan.org](mailto:info@estateplan.org)

Some email providers will automatically place group emails in a folder such as Marketing or Junk. To prevent this from happening, please add [info@estateplan.org](mailto:info@estateplan.org) as one of your contacts.



## **TAB 2**

### **Agreements**

**This section is unique for each client.**

**Keep your records in your own physical  
Client Organizer (Black Binder).**

- 1. Engagement Letter/Investment Summary**
- 2. Family Legacy™ Legal Services Member Agreement**
- 3. Paid Receipts**
- 4. Signed Client Commitments**
- 5. Signed Law Firm Commitments**

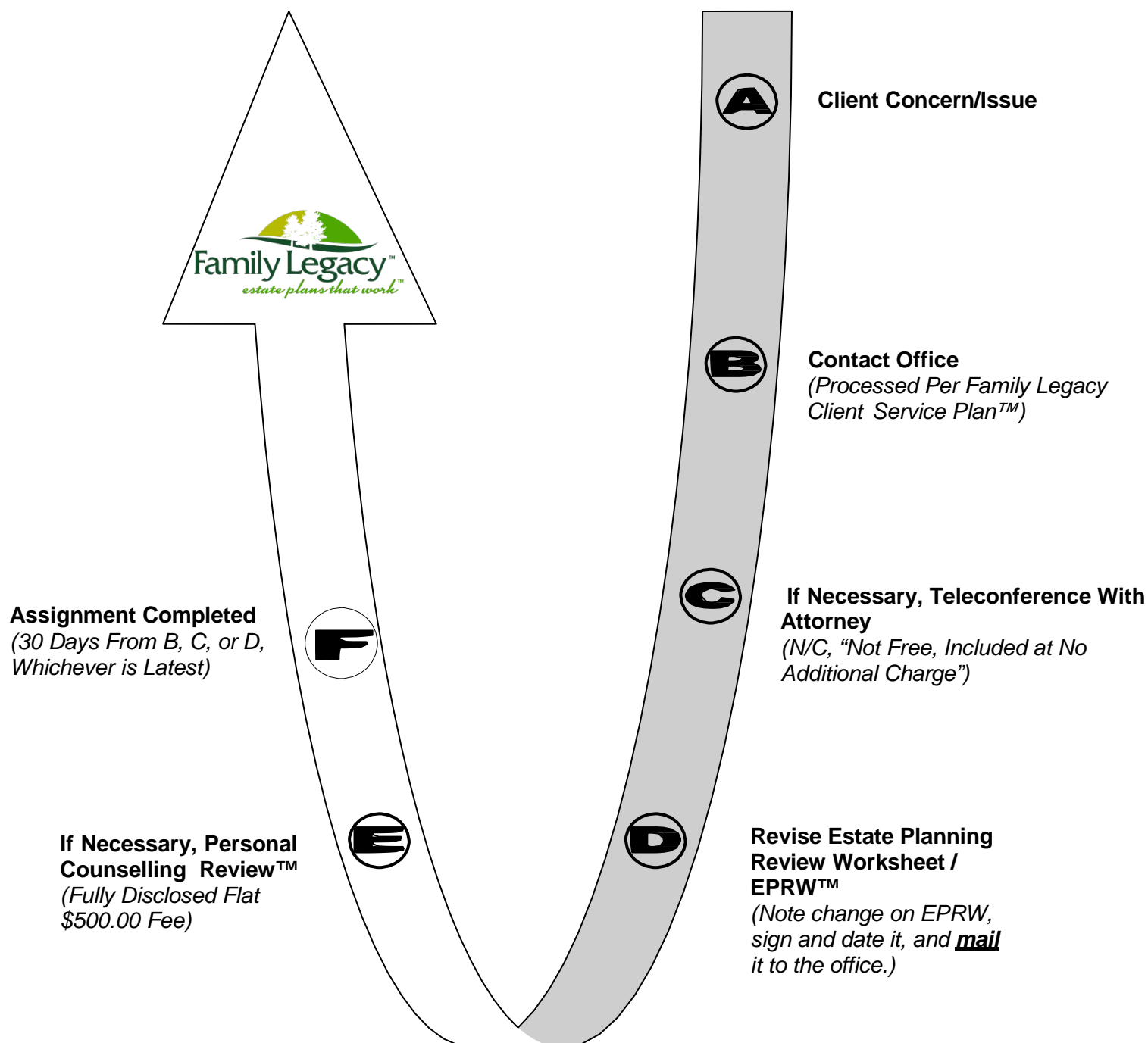


## **TAB 3**

### **Changing Your Plan**

- 1. Family Legacy Amendment Process™**
- 2. Review of Changing Your Plan**
- 3. Sample Amendment**
- 4. Sample Trust Signature Page**
- 5. Family Legacy Service Experience Survey™  
(Amendments)**
- 6. Trust Protector Process™**
- 7. Sample Trust Protector Amendment**
- 8. Family Legacy Personal Counselling Review  
Process™**
- 9. Family Legacy Advanced Personal Counselling  
Process™**

# Family Legacy Amendment Process™



## CHANGING YOUR PLAN

There are several ways to change the terms of your estate plan.

### During Your Lifetime

#### **I. Restatement of Trust (Amends Entire Trust)**

This is the most common way to keep your plan current. Every two years you will attend a Client Update Program™ (CUP) to update your documents from a legal perspective. This small group session is attended by clients grouped by similar planning situations. In mid-summer you receive a mailing from us containing your current Estate Planning Review Report™ (EPRW) for review. If you have any changes on the personal side, they are forwarded to us by the announced deadline date. We then combine your personal changes, if any, so that you may sign a completely new document. (Remember, the original date does not change so that there is no effect upon the funding of your assets into your trust.) You will return the white copy to us with your changes. You will receive an updated EPRW on Ivory paper for filing in your Operator's Manual. At the CUP meeting you will receive an EPRW stamped "copy" so that you may compare the changes you requested to the new document. The new "restated" document replaces the previous version in its entirety.

#### **II. Trust Amendment (Changes Only Selected Portions of your Trust)**

We use trust amendments between Client Update Programs™ in order to address changes you initiate. To make an amendment, you use the Estate Planning Review Worksheet™ (EPRW) located behind the "My Plan" Tab in your Operator's Manual. By checking the box at the end of the EPRW indicating you want to make the change effective immediately and then signing the form, we believe you have already made an effective change. The next step is to mail the EPRW to us so that we may complete the amendment in more traditional fashion.

We will put your amendment in formal revocable trust format and mail back to you a version on both a white and ivory paper. Once you sign both in front of a notary (which you may obtain on your own by visiting our office). , You then file the ivory version on behind your trust in your Estate Planning Portfolio ("Red Book"). The white version should be mailed back to us for your file.

When you make a major change (particularly in the distribution pattern for your assets), we will include a new Design Template along with an updated EPRW you mailing. Both should be filed behind the "My Plan" Tab in your Operator's Manual.



When you attend your next scheduled Client Update Program™, your amendment changes will be absorbed into the Restatement of Trust we provide you to update your plan for legal changes. (Finally, remember that by agreement with our clients, we update plans for name changes at the next Client Update Meeting™. This works because there is no impact on the plan itself when a name changes. If a client should die prior to the next CUP, a simple one-page “One and the Same Affidavit” corrects the name of the person involved.

## **After Your Disability**

### **I. Trust Protector**

Should you be declared disabled by the panel appointed under terms of your custom-designed disability “test”, a trust protector may be appointed to keep your trust current with changing laws and personal circumstances. A protector is an independent third party appointed by your spouse, trustee or beneficiaries to adjust your trust.

The trust protector’s power to amend is limited to implementing your intent. Our policy designed to support your intent is to have you regularly sign a Memorandum of Intent to the Trust Protector.

Most uses of the trust protector are what we call “internal.” These are limited to legal changes regularly provided to you at Client Update Programs™. At your direction, we will have your helpers bring your books to the CUP just as you have over the years. Upon appointment, we will provide the changes needed as part of your annual LifeSpan Legal Services™ membership.

An “outside” trust protector is sometimes needed. Examples of this would be changes which may be examined by an outside party (court, IRS, etc.). In these cases, our firm remains available to address questions regarding your intent. An outside party serves as the trust protector. Where appropriate, our firm assists in recommending this party, as well as doing our best to limit fees necessary for such service.

## **After Your Death**

### **I. Powers of Appointment (“The Hit Parade” Power)**

A power of appointment is granted by the maker of a trust to a beneficiary under the trust. The powers of appointment we use are called testamentary powers of appointment, and thus take effect on the death of the beneficiary. They allow the beneficiary to direct property upon their own later death. Powers come in two flavors, general and limited. A general power allows the



beneficiary to direct the property anywhere, while limited powers are more restrictive in order to provide the original trustmaker more control over the ultimate distribution of property. The most common example of the limited power in our plans provides beneficiaries with the ability to direct property remaining in their trust to descendants only, thus providing “bloodline” protection.

Many of our married clients grant a power of appointment to their spouse. In this way, as long as one member of the couple survives, the original trustmakers can control distribution of the assets they’ve built up over their lifetime. Often these are limited powers favoring “bloodline” planning.

Both married and single clients leaving assets in trust for their later beneficiaries routinely grant powers of appointment to those beneficiaries. Sometimes they leave complete control. Sometimes they provide powers limited to “bloodline” distribution.

Powers of appointment are implemented (“exercised”) by the beneficiary stating in their own Will or Trust how the property the power controls is to be distributed.

## **II. Trust Protector**

Just as in disability circumstances, a trust protector may be appointed to change the terms of your trust after your death. Again, changes made must be consistent with your intent.

## **III. Decanting (“Old Wine in a New Skin”)**

There are circumstances where older irrevocable documents prepared by us or others need to be changed. Often these older trusts do not contain trust protector terms. In these situations, some state laws provides that certain changes may be made by your trustee through the creation of a new trust and transfer of the assets of the old trust to the new one.

Decanting is particularly helpful when coordinating inheritance (wealth reception) for yourself or your beneficiaries directed by documents provided by others.

In 2023, the Maryland General Assembly passed the Maryland Decanting Act which was signed into law by Governor Moore.



**FIRST AMENDMENT**  
**TO THE**  
**CLIENT LIVING TRUST**

This First Amendment to the Trust agreement known as the “CLIENT LIVING TRUST, DATED TRUSTDATE,” is effective on February 12, 2015. This amendment is made by CLIENT, as Trustmaker and Trustee, pursuant to the power to amend or revoke the trust agreement reserved by the Trustmaker in Article Four of the trust.

1. Trustmaker revokes Article Eight of the trust agreement in its entirety and replaces it with the following Amended Article Eight in its place. This Amended Article Eight consists of six pages, numbered “8-1” through “8-6” and is dated “Amended date 02/12/15” on each page.
2. In order to facilitate readability and understandability, Trustmaker authorizes Trustee to substitute a copy of these amended pages for the original pages in the body of the trust agreement.

I, CLIENT, Trustmaker, have executed this “First Amendment to the CLIENT LIVING TRUST” on this 12th day of February 2015. Except as amended by this First Amendment and/or any subsequent amendments, all terms and provisions of the original CLIENT LIVING TRUST DATED TRUSTDATE are hereby ratified and confirmed as of the date of the execution of this First Amendment with the same effect as if such original declaration had been executed as of this date.

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CLIENT, Trustmaker

I, CLIENT, Trustee, and I, SPOUSE, Trustee, consent to and accept delivery of this “First Amendment to the CLIENT LIVING TRUST.”

---

CLIENT, Trustee

---

SPOUSE, Trustee

[illegible]

On this February 12, 2015, before me, a Notary Public for the State of Maryland, personally appeared CLIENT, as Trustmaker and Trustee, and SPOUSE, as Trustee, known to me (or proven to me on the basis of satisfactory evidence) to be the individual whose name is subscribed to the foregoing “First Amendment to the CLIENT LIVING TRUST” and who acknowledged that it was voluntarily executed for the purposes stated therein.

WITNESS my hand and official seal.

Notary Public

Printed

My commission expires:\_\_\_\_\_

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# FAMILY LEGACY SERVICE EXPERIENCE SURVEY™

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## AMENDMENTS

Did you call or write in about a change? (please circle)

CALL

WRITE

If you **called**, please indicate your impression of the contact regarding these factors (1-5 with 5 being the highest):

TEAM MEMBER\_\_\_\_\_

COURTESY	1	2	3	4	5
CONCERN	1	2	3	4	5
KNOWLEDGEABILITY	1	2	3	4	5
FOLLOW-UP EXPECTATIONS CLEARLY EXPLAINED	1	2	3	4	5

We would be very interested in your comments or suggestions for improvement (use back of form if necessary).

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Did your Amendment Request require a **teleconference** with an Attorney? Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, please indicate your impression of the contact regarding these factors (1-5 with 5 being the highest):

ATTORNEY\_\_\_\_\_

COURTESY	1	2	3	4	5
CONCERN	1	2	3	4	5
UNDERSTANDING (OUR PART)	1	2	3	4	5
COMFORT W/EXPLANATION (YOUR PART)	1	2	3	4	5
FOLLOW-UP EXPECTATIONS					

If you **wrote** in, please indicate your impression of the contact (1-5 with 5 being the highest):

UNDERSTANDING (OUR PART)	1	2	3	4	5
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COMFORT THAT YOUR REQUESTED CHANGE HAS BEEN PROPERLY COMPLETED (YOUR PART)	1	2	3	4	5
---	---	---	---	---	---

CLARITY OF FILING & RETURN INSTRUCTIONS	1	2	3	4	5
---	---	---	---	---	---

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

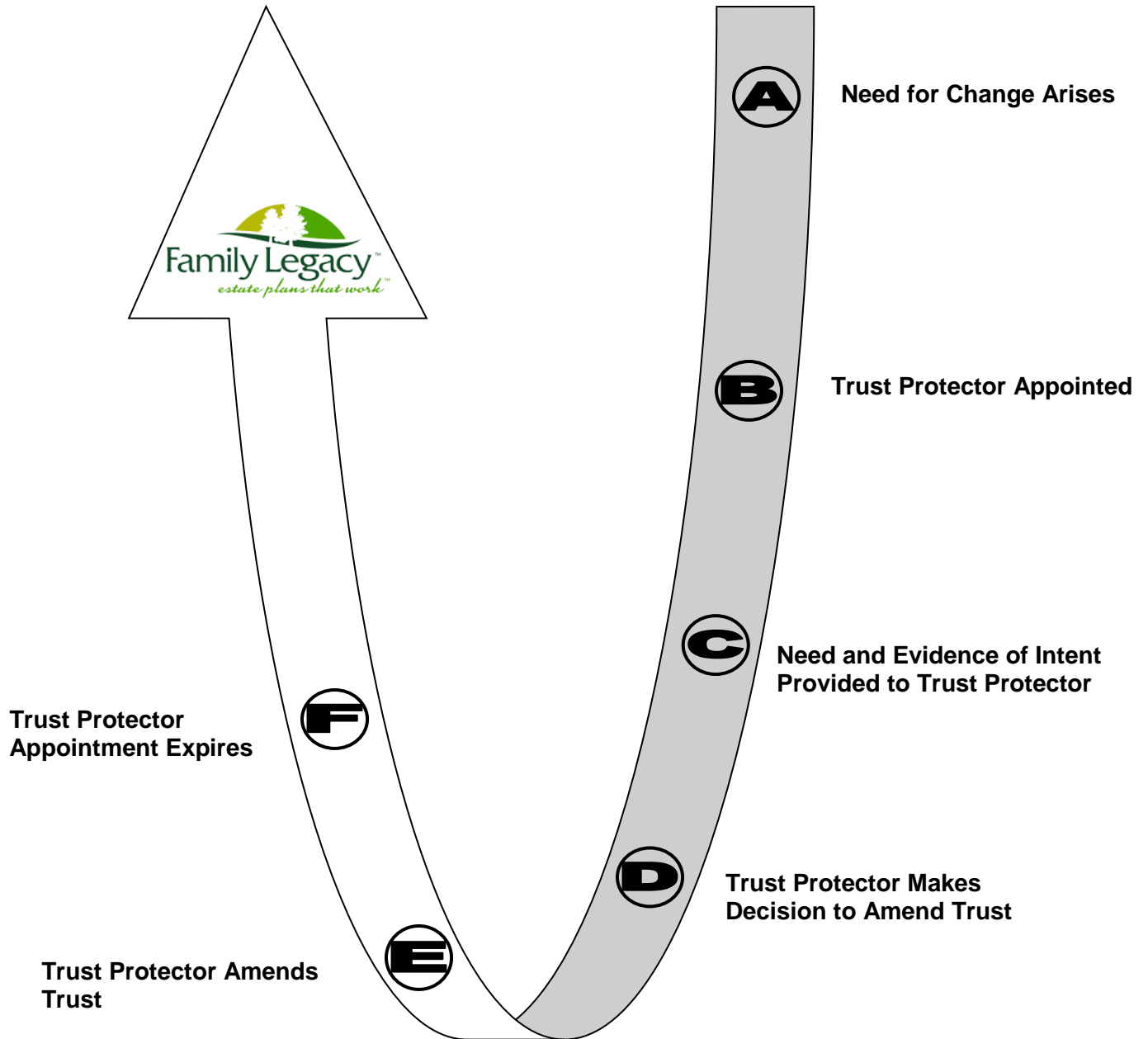
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Family Legacy Trust Protector Process™



## **Amendment by Trust Protector**

The undersigned, EDWARD S. CLAY, is the duly appointed Trust Protector of the WILLIAM A. SAMPLE LIVING TRUST dated November 1, 2003. The appointment of EDWARD S. CLAY, as Trust Protector was made through a written instrument captioned "Appointment of Trust Protector" which was duly signed by MARY A. SAMPLE, the spouse of WILLIAM A. SAMPLE, as required by Article Sixteen, Section 14(a).

Pursuant to Article Sixteen, Section 14(b), the Trust Protector, is "independent" pursuant to the standards set forth in Internal Revenue Code Section 672(c).

Further, Article Sixteen, Section 14(t), of said Trust Agreement provides as follows:

While serving, the Trust Protector has the power, with respect to any trust as to which the Trust Protector is acting, to modify or amend:

The trust provisions to reflect tax or other legal changes that affect trust administration;

The trust provisions to correct ambiguities that might otherwise require court construction;

The trust provisions to correct a drafting error that defeats my intent, as determined by the Trust Protector in its sole and absolute discretion, following the guidelines provided in this Agreement;

The financial powers of my Trustee;

The power to remove a Trustee;

The withdrawal rights granted under this Agreement (except a withdrawal right that has already matured at the time the Trust Protector seeks to exercise the power conferred under this subparagraph); and

The termination date of the trust, either by extending or shortening the termination date (but not beyond any applicable perpetuities period if the trust is or becomes subject to such a limitation).

Additionally, Article Sixteen, Section 14(g), of said Trust Agreement provides as follows:

My Trust Protector may establish and maintain financial accounts of all types, may execute, acknowledge, seal, and deliver deeds, assignments, agreements, authorizations, checks or other instruments my Trust Protector considers useful to accomplish any purpose permitted as described in this Section.

My Trust Protector may exercise any power granted under this Agreement without court approval, unless the terms of appointment of the Trust Protector specifically require court approval.

My Trust Protector may amend this Agreement only upon obtaining a written opinion of legal counsel indicating that the terms of this Agreement, as so amended, would be consistent with the standard of practice then current among experienced estate planning attorneys. If a Trust Protector has been appointed for the purpose of continuing my participation in a formal estate plan maintenance program, no written opinion of legal counsel shall be required in order to implement standard amendments recommended as part of participation in the formal estate plan maintenance program.

Prior to making an amendment under this Section, the Trust Protector shall determine my intent and consider the interests of current and future beneficiaries as a whole, and shall make an amendment under this paragraph only if the amendment will either benefit the beneficiaries as a group (even though particular beneficiaries may thereby be disadvantaged), or further my probable wishes in an appropriate way.

Accordingly, the Trust Protector hereby amends Article Ten by adding the following provisions:

## **Article Ten**

### **Section 3. My Spouse's Limited Power to Vest**

My spouse shall have a Limited Power to Vest over the Family Trust as that Limited Power to Vest is defined in this Agreement in the Article "Definitions and General Provisions." During any period when my Trustee is not permitted to make discretionary distributions of income to or for my spouse, my spouse shall not have this Limited Power to Vest.

The Trust Protector in his sole and absolute discretion hereby determines that this modification is necessary to correct the trust provisions to reflect tax or other legal changes that affect trust administration. Additionally the Trust Protector has considered the overall best interests of all of the present and future beneficiaries of the Trust in making this Amendment.

The Trust Protector states that he has been guided by what he believes in his sole and absolute discretion would have been the intent of the Trustmaker. Further, the Trust Protector has determined, in his sole and absolute discretion that this amendment is in the best interest of all of the present and future beneficiaries of the Trust and that said amendment would further the Trustmaker's probable wishes in an appropriate way.

Finally, the Trust Protector, who is also legal counsel, has determined that the terms of this amendment are consistent with the standards of practice then current among experienced estate planning attorneys.

This Amendment is dated February 29, 2023.

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EDWARD S. CLAY, Trust Protector

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DONNA J. CLAY, Witness  
1300 York Road, Suite 120  
Lutherville MD 21093

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REGINA D. CLAY, Witness  
1300 York Road, Suite 120  
Lutherville MD 21093



STATE OF MARYLAND            )  
  ) ss.  
COUNTY OF BALTIMORE        )

On the 29<sup>th</sup> day of February, 2023, before me, a Notary Public for the State of Maryland did appear EDWARD S. CLAY, as Trust Protector, known to me or satisfactorily identified to be the person who acknowledged signing the foregoing Amendment by Trust Protector as his free act and deed.

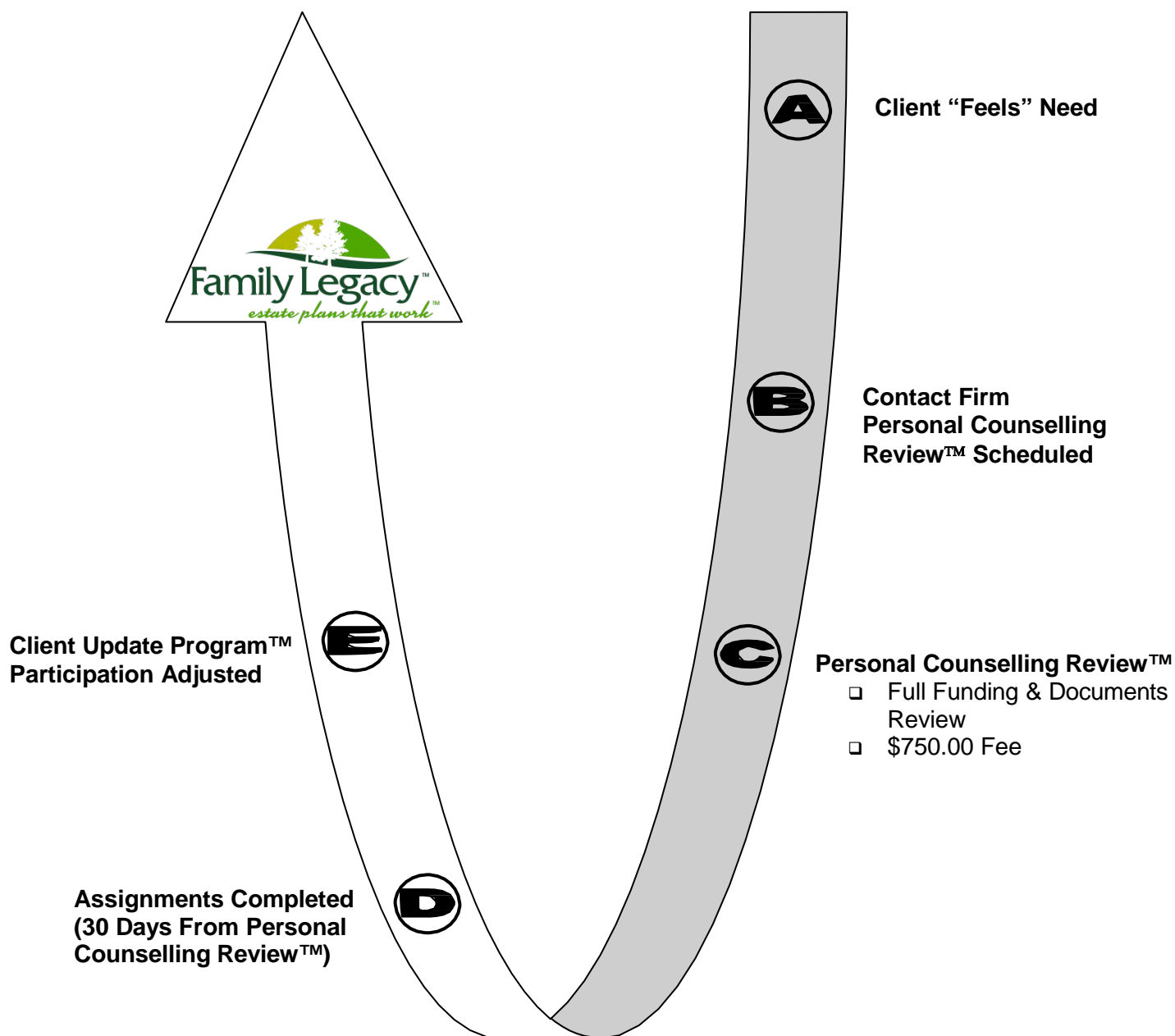
Witness my hand and official seal.

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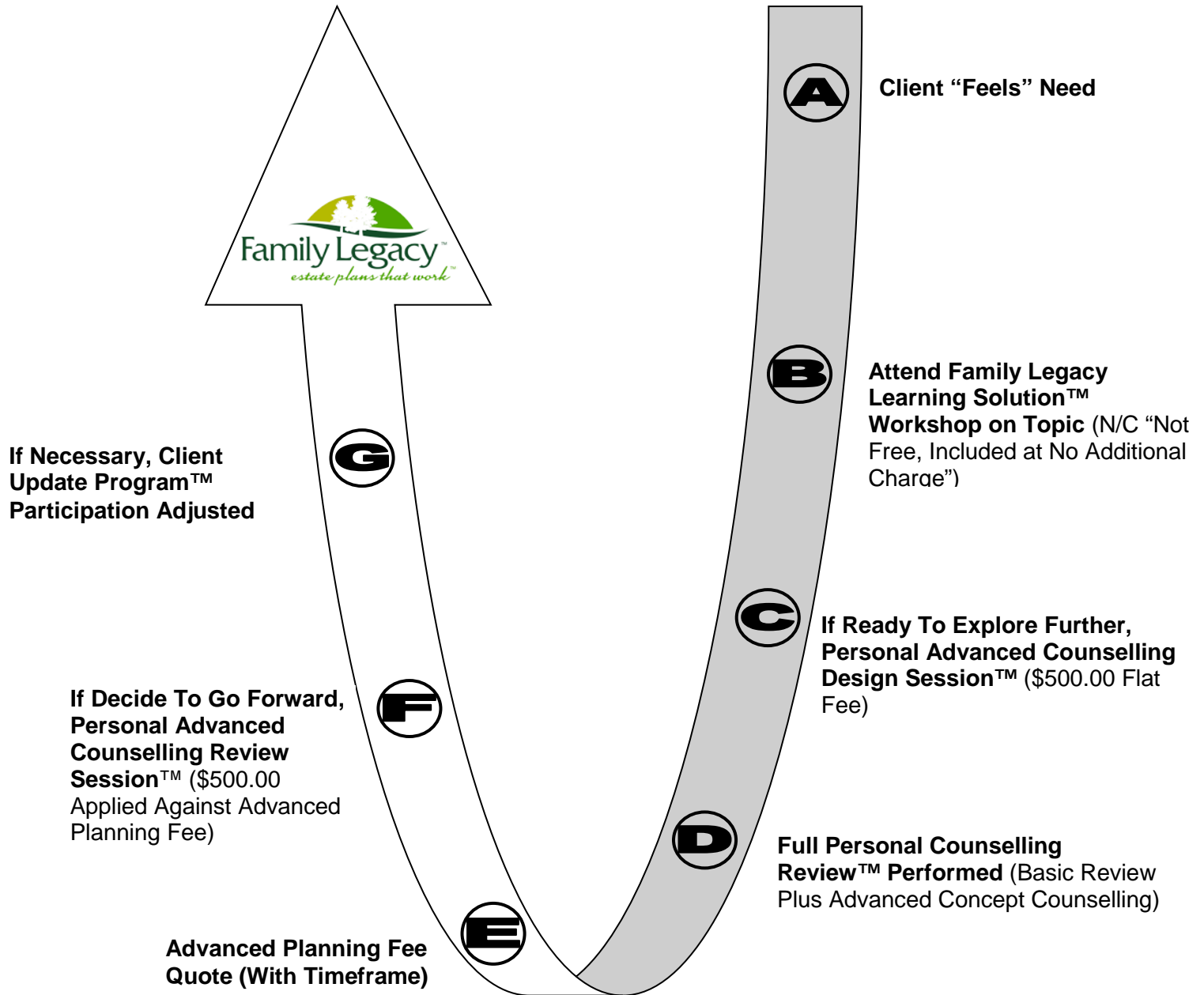
DONNA J. CLAY, Notary Public

My commission expires: August 26, 2026

# Family Legacy Personal Counselling Review Process™



# Family Legacy Advanced Personal Counselling Review





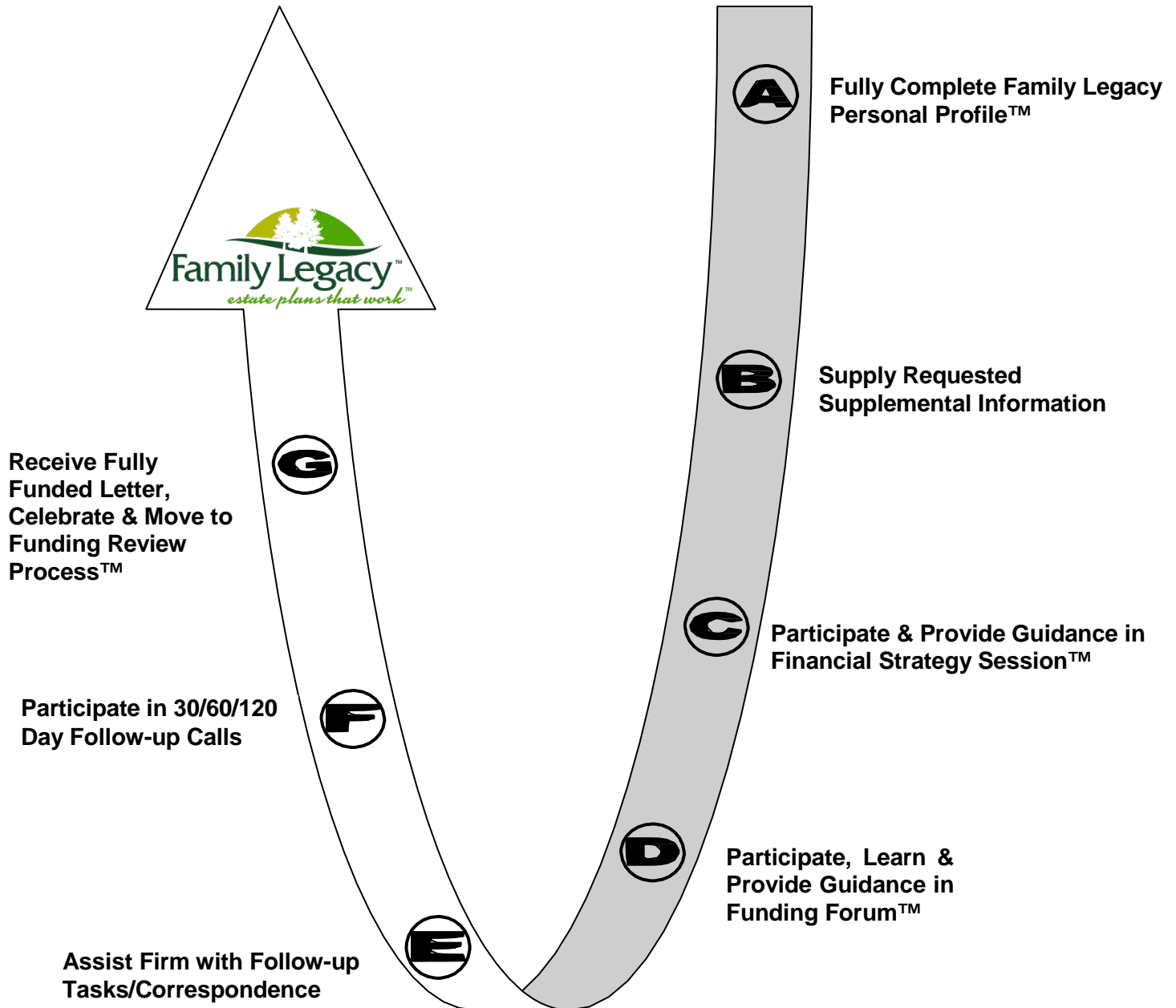
## **TAB 4**

### **Owning Your Property**

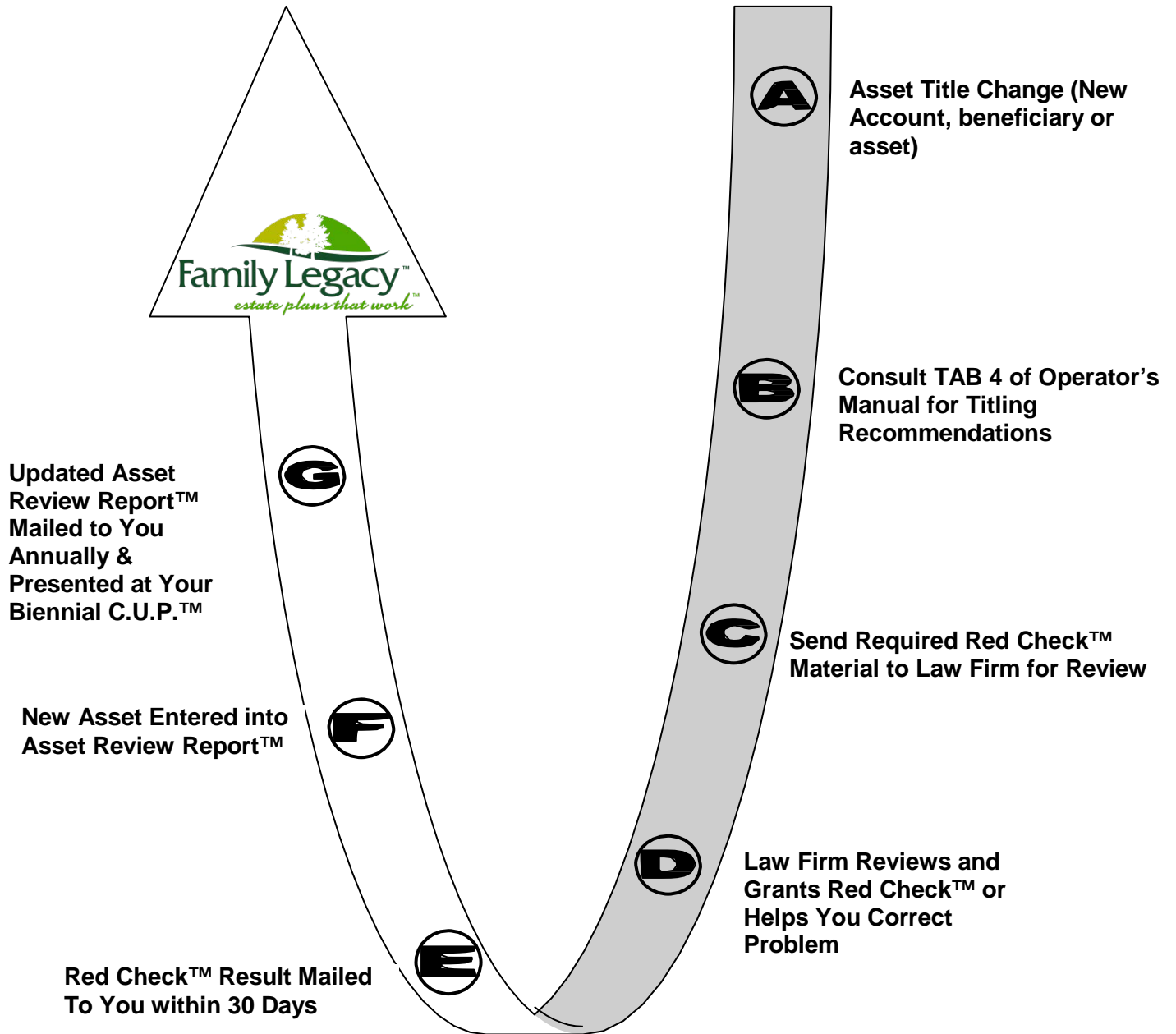
- 1. Initial Funding Process Arrow™**
- 2. Funding Review Arrow™**
- 3. Initial Funding & Follow-Up  
Video Conference**
- 4. Sample Red Check Review™ Letters**
- 5. Red Asterisk™ Memo**
- 6. Red Check Review™ Requirements**
- 7. Beneficiary Designation Memo**
- 8. Transfer Letter/Verification**
- 9. Standard Funding Recommendations**

*Important note: Keep your Asset Review and Verification Reports in this section of your physical copy of your Operator's Manual (Black Book).*

# Initial Trust Funding Process™



# Funding Review Process™



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# FUNDING PROGRESS VIDEO CONFERENCES

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To ensure that your plan is initially funded, we will conduct regular meetings through the *Funding Progress Conference Series*™. After initial funding, *Funding Review Video Conferences* are conducted from time to time to keep your plan current.

*Zoom information is provided automatically via email  
upon scheduling of appointment*

There will be no operator, so simply announce yourself upon your arrival. You will be welcomed and the Funding Coordinator will moderate the video conference.

If the video conference is recorded, after a brief delay, the moderator will announce that recording has begun.



1300 York Road, Suite 120  
Lutherville, Maryland 21093  
*Appointments available in Bel Air and Rockville*

410.296.3358 PHONE  
410.296.2658 FAX  
info@estateplan.org  
www.estateplan.org

PLANNING WITH PURPOSE • PLANNING FOR RESULTS

March 2012

Dear Client:

Thank you for forwarding your transfer paperwork to us for review. As you know, your trust cannot control property unless title is transferred to it.

You'll find attached the paperwork I've reviewed. A Red Check indicates that the asset has been properly transferred into trust name, and a Red Check/Asterisk indicates there is no other action recommended regarding title transfers supervised by others.

Please remember copies of your transfer paperwork are to be filed behind the **TRUST TRANSFER DOCUMENTS (blue dot)** tab of your Estate Planning Portfolio (**RED** binder). Also, please recall the importance of keeping your list of trust assets accurate and up-to-date. Your list should be the **first** item behind the **TRUST TRANSFER DOCUMENTS (blue dot)** tab. You will be able to compare your records with ours when we forward an updated Asset Review Report™ prior to your next group meeting.

Thanks again for keeping us informed of your funding progress. Let us know if you have further questions or concerns. Thank you for allowing us to continue to earn your trust.

Very truly yours,

EDWARD S. CLAY, P.A.

BY: Edward S. Clay





1300 York Road, Suite 120  
Lutherville, Maryland 21093  
*Appointments available in Bel Air and Rockville*

410.296.3358 PHONE  
410.296.2658 FAX  
info@estateplan.org  
www.estateplan.org

PLANNING WITH PURPOSE • PLANNING FOR RESULTS

Monday, March 13, 2023

William & Mary Sample  
123 Elm Rd.  
Towson, MD 21286

Dear Mr. & Mrs. Sample:

Thank you for forwarding paperwork for my review. As you know, your trust cannot control property unless title is correctly transferred to it. Some or all of the paperwork you forwarded could not receive a Red Check or Red Asterisk. I've checked the appropriate box below indicating the concern and what action will be taken to address the funding issue involved.

☐ The Red Check or Red Asterisk on your paperwork indicates the asset was properly transferred. Please file the paperwork behind the "Trust Transfer Documents" (**blue dot**) tab in your Estate Planning Portfolio (**RED** binder).

### IRA Issues

An IRA requires an appropriate primary and contingent beneficiary.

☐ **The paperwork you forwarded does not contain beneficiary information.** We've enclosed a transfer letter reflecting how the correct beneficiary designation should read. Please sign the letter and return to us in the envelope provided. We will forward the letter to the financial institution involved. Be on the lookout for a funding verification form that will come to you from us for filing. If a verification form is sent to you by the company, please forward it to us for normal Red Check Review™.

☐ **The paperwork you've provided contains only a primary beneficiary and not a contingent.** The enclosed transfer letter will correct this situation. Please sign the letter and return it to us in the envelope provided. We will forward the letter to the financial institution involved. Be on the lookout for a funding verification form that will come to you from us for filing. If a verification form is sent to you by the company, please forward it to us for normal Red Check Review™.

☐ **The order of beneficiaries designated is incorrect.** Please sign the letter and return to us in the envelope provided. We will forward the letter to the financial institution involved. Be on the lookout for a funding verification form that will come to you from us for filing. If a verification form is sent to you by the company, please forward it to us for normal Red Check Review™.

☐ **IRA accounts are funded with the trust restatement date instead of the original date of the trust's creation.** Please sign the enclosed letter(s) and return to us in the envelope provided. We will forward the letter to the financial institution involved. Be on the lookout for a funding verification form that will come to you from us for filing. If a verification form is sent to you by the company, please forward it to us for normal Red Check Review™.

### **Annuity Issues**

To evaluate an annuity situation, we must have both the beneficiary designation and a copy of the annuity contract (no originals, please!).

☐ **We do not have a copy of your annuity contract.** Please forward a copy of your annuity contract for review.

☐ **You provided us with beneficiary information, but not with a copy of the annuity contract.** I've granted a "temporary" Red Check for your annuity. Please forward a copy of your annuity contract to us at your earliest convenience so I can determine if I need to advise you to take further action.

☐ **The paperwork you forwarded does not contain beneficiary information.** If you have forwarded us a copy of the contract, we have prepared a transfer letter to verify the beneficiary status. Please sign the letter and return to us in the envelope provided. We will forward the letter to the financial institution involved. Be on the lookout for a funding verification form that will come to you from us for filing. If a verification form is sent to you by the company, please forward it to us for normal Red Check Review™.

☐ **The paperwork you've provided contains only a primary beneficiary and not a contingent.** The enclosed transfer letter will correct this situation. Please sign the letter and return it to us in the envelope provided. We will forward the letter to the financial institution involved. Be on the lookout for a funding verification form that will come to you from us for filing. If a verification form is sent to you by the company, please forward it to us for normal Red Check Review™.

☐ **The order of beneficiaries designated is incorrect.** Please sign the letter and return to us in the envelope provided. We will forward the letter to the financial institution involved. Be on the lookout for a funding verification form that will come to you from us for filing. If a verification form is sent to you by the company, please forward it to us for normal Red Check Review™.

☐ **The annuity ownership is incorrect.** Please sign the letter and return to us in the envelope provided. We will forward the letter to the financial institution involved. Be on the lookout for a funding verification form that will come to you from us for filing. If a verification form is sent to you by the company, please forward it to us for normal Red Check Review™.

#### **Investment Account Issues**

☐ **One or more accounts are not properly funded.** Please sign the enclosed letter and return to us in the envelope provided. We will forward the letter to the financial institution involved. Be on the lookout for a funding verification form that will come to you from us for filing. If a verification form is sent to you by the company, please forward it to us for normal Red Check Review™.

☐ You have provided us with trade confirmations for transactions conducted **within** a brokerage account. A Red Check is necessary only when the account title changes, not for every transaction within it. We do not need trade confirmation information and, in fact, it often causes confusion! Thanks for trying so hard to keep everything properly funded, but please do not forward trade confirmations.

#### **Other Issues**

☐ **The order of beneficiaries designated on qualified plans are questionable.** The employer-sponsored retirement plans are governed by ERISA and include protections against disinheriting surviving spouses. This is often incompatible with living trust planning and requires the spouse to consent to naming the RLT as the primary beneficiary. This can become problematic, especially in second marriages. That said, in order to name the trust as a beneficiary, it must be permitted under the Summary Plan Description. I would need to read the Summary Plan Description for your employer's retirement plans before I can recommend proper funding.

Kindest regards,  
EDWARD S. CLAY, P.A.



By: Edward S. Clay

ESC:tab

Enclosure

## Memorandum

To: All Family Legacy Clients  
From: Edward S. Clay, P.A.  
Date: December 2018

RE: Red Check/Asterisk™

### The Red Check/Asterisk™ versus the Red Check™

Over the years many of our clients have raised questions regarding their Asset Review Reports™ as to “why don’t I have a Red Check™ on this asset?” In 2005 we decided to add a new indication to let you know that you had done everything necessary to facilitate transfer to your trust.

For reasons that usually involve the law firm’s liability, we are unable to provide a Red Check™ on various assets because to do so would imply that we had “approved” the transaction. In these instances, however, we also do not mean to imply that there’s anything wrong with how the asset has been handled.

A Red Check/Asterisk™ lets you know that we have everything we need in your file. You will find a Red Check™, a Red Check/Asterisk™ or nothing at all in the left-hand column of your Asset Review Report™. There’s no need to worry unless you see *nothing at all* in the left-hand column—then you’ll need to spring into action to get that asset transferred!!

The need for the Red Check/Asterisk™ comes up in consistent situations. Two of the most common funding questions that sometimes confuse and even frustrate our clients have to do with our policy regarding review of the work of other attorneys. In these situations, a Red Check/Asterisk™ is provided rather than a Red Check™. The first involves out-of-state deeds, and the other involves legal work performed for our clients by other in-state attorneys. Here is a brief explanation of each situation. We hope and expect this will clarify for you why we can’t provide a Red Check™ in those cases.

### *Out-of-State Deeds*

We are licensed to practice law only Maryland. When a client acquires real estate in other states, our policy is to assist them in finding local counsel to help with the transfer of the property into trust.

We take this position because (1) we are not licensed to practice in the other state, and (2) because real estate laws with regard to property tax deductions and exemptions are quite complicated regarding the impact of transferring property into trust.

The local attorney is hired directly by our client to perform the real estate transfer. All fees are payable to the local counsel. They are the experts on local real estate law.

When we “Red Check” material you’ve sent us for review, an argument can be made that we are responsible for the result of the transfer. In the case of out-of-state deeds, we are specifically *not* in a position to state an opinion or accept liability for the transaction.

What we will do is note your file, and add the real estate to your Asset Detail Report in FundingPro (software). We will indicate that you’ve done everything you need to do to properly transfer the property by providing you with a Red Check/Asterisk™.

### **Work Performed by Other In-State Attorneys**

We are sometimes asked to review legal transactions that involve work performed by other in-state attorneys. Examples are transfers of real estate into trust, and transfers of business interests into trust. In the case of real estate transfers, the other attorney has the responsibility to assure that correct title has been transferred. If you wish us to prepare the deeds for you, we will normally do so at no additional charge. Should we work together, however, you would provide us with all necessary detail to perform the transaction.

When you hire other counsel, they have the detail. Normally clients forward to us only the final result, without any accompanying detail. As a result, the “Red Check” request amounts to a plea for us to either “rubber stamp” the transaction, and take over the liability for the work done by someone else, or to retrace all the steps already performed by someone else. Neither makes any sense to us, so we do not review in-state deeds prepared by other attorneys.

What we will do is note your file, and add the real estate to your Asset Detail Report in FundingPro. As we take note of the transfer, we will certainly let you know if we find anything amiss, and will advise you to contact the other in-state attorney regarding our concerns. We will indicate that you’ve done everything you need to do to properly transfer the property by providing you with a Red Check/Asterisk™.

Similarly, in a business transaction we typically do not have access to all the information necessary to “bless” a transfer overseen by another in-state attorney. Again, to do so amounts to a plea for us to either “rubber stamp” the entire transaction without full information (and therefore assume potential liability for the work done by someone else), or to retrace all the steps already performed by someone else. Neither makes any sense to us, so we will not

review another attorney's work in that instance as well.

What we will do is note your file, and add the business interest involved to your Asset Detail Report in FundingPro. As we take note of the transfer, we will certainly let you know if we find anything amiss, and will advise you to contact the other in-state attorney regarding our concerns. We will indicate that you've done everything you need to do to properly transfer the property by providing you with a Red Check/Asterisk™.

## **Summary**

We hope our new Red Check/Asterisk™ system will provide you with increased comfort regarding your funding efforts. Let us know if you have further questions or concerns regarding these planning situations.



**Red ✓**

# **Review Requirements**

**Edward S. Clay, P.A.  
Attorneys and Counsellors at Law  
1300 York Road, Suite 120  
Lutherville MD 21093-6000  
Phone: 410.296.3358  
Fax: 410.296.2658**

## Edward S. Clay, P.A. – Red Check Review™ Requirements

<b><u>Type of Asset</u></b>	<b><u>Owner</u></b>	<b><u>Beneficiary</u></b>	<b><u>Transfer Paperwork Acceptable</u></b>
Bank Accounts	Living Trust	N/A	Signature card or recent account statement
Credit Union Account	Living Trust	POD (survivorship) Living Trust	Signature card or recent account statement
Investment accounts	Living Trust	N/A	Copy of recent statement
Individual Stocks	Living Trust	N/A	Copy of certificate or account statement
Individual Bonds	Living Trust	N/A	Copy of bond or account statement
Treasury Direct Accounts	Living Trust	N/A	Copy of account statement
Vehicles	Individual or Joint	Living Trust or Individual	Copy of vehicle title
Recreational Vehicles (watercraft etc.)	Individual or Joint	Living Trust or Individual	Copy of vehicle title
Personal Residence (individual)	Living Trust	N/A	Copy of recorded deed
Homeowners/Auto Insurance	Individual	Living Trust as additional insured	Company letterhead or statement
Household “Stuff”	Living Trust	N/A	Assignment by ESCPA
Traditional Individual Retirement Accounts (or qualified IRA annuities)	Individual	<u>Primary:</u> Living Trust <u>Contingent:</u> Spouse if married, otherwise individual beneficiaries	Company letterhead or statement <i>showing beneficiary designation</i>
Roth IRA	Individual	<u>Married:</u> Spouse Primary; Trust Contingent <u>Single:</u> Trust Primary; Individual Beneficiaries Contingent	Company letterhead or statement <i>showing beneficiary designation</i>
Retirement Plans at Work (401(k)/Profit Sharing/403(b))	Individual	<u>Primary:</u> Living Trust <u>Contingent:</u> Spouse if married, otherwise individual beneficiary	Company letterhead or statement <i>showing beneficiary designation</i>
Life Insurance Policies	Insured’s Living Trust	<u>Primary:</u> Insured’s Living Trust <u>Contingent:</u> Spouse if married, otherwise individual beneficiary	Company letterhead or statement <i>showing beneficiary designation</i>
2 <sup>nd</sup> to Die Life Policies	ILIT	ILIT	Company letterhead or statement <i>showing beneficiary designation</i>



## Edward S. Clay, P.A. – Red Check Review™ Requirements

<b><u>Type of Asset</u></b>	<b><u>Owner</u></b>	<b><u>Beneficiary</u></b>	<b><u>Transfer Paperwork Acceptable</u></b>
Annuities (non-qualified)	Individual	<u>Married</u> : Spouse Primary; Trust Contingent <u>Single</u> : Trust Primary; Individual Beneficiaries Contingent	Company letterhead or statement <i>showing beneficiary designation</i>
Real Estate	Living Trust	N/A	Copy of recorded deed
Monies Owed Client	Living Trust	N/A	Copy of note or assignment of note
Corporate Interests	Living Trust if permitted	POD To Living Trust, if necessary	Copy of certificate
Sole Proprietorship	Living Trust	N/A	Assignment by ESCPA
Partnership	Living Trust	N/A	Copy of ownership documents, assignment by ESCPA
LLC Interests	Living Trust if permitted	POD to Living Trust if necessary	Copy of ownership documents
Oil, Gas & Mineral Interests	Living Trust	N/A	Copy of assignment
Safe Deposit Boxes	Individual/Joint	N/A	Contents by ESCPA Assignment
Storage Units	Individual/Joint	N/A	Contents by ESCPA Assignment
Disability Insurance	Living Trust	Living Trust	Company letterhead or statement <i>showing beneficiary designation</i>
Long Term Care Insurance	Living Trust	Living Trust	Company letterhead or statement <i>showing beneficiary designation</i>
Travel/Accident Death/Cancer/ Employer Paid Ins.	Usually transfer not permitted	Living Trust	Company letterhead or statement <i>showing beneficiary designation</i>
Minor children's Accounts	Custodial UTMA, (use child's SSN)	Child's estate by law	Company letterhead or statement
529 Plans	Individual Successor Owner: Living Trust	Primary: Student	Company letterhead or statement.

## Memorandum

To: All Family Legacy Clients  
From: Edward S. Clay, P.A.  
Date: December 2018

RE: **Beneficiary Designation Issues**

A clear majority of the questions clients ask us about trust funding involve beneficiary designation assets. We felt a quick review of the major issues we frequently address would be helpful to you.

### Red Check Material for IRAs

One of the most common frustrations for our clients is obtaining a Red Check on IRAs. Often you try to do your part by forwarding us copies of IRA statements, only to receive them back with no Red Check and a note stating a copy of the *beneficiary designation* is needed.

Please keep in mind that IRAs are always owned by the individual. Your statement will indicate that a certain financial company serves as custodian of the account for your benefit, but most *do not* include beneficiary arrangements on the normal monthly statement. For this reason, you will need to carefully check your statement to see if it does in fact include the beneficiary information. If it does not, you may either: (1) call the company or your financial advisor to obtain the information, or (2) ask us to obtain the information for you, which we'll be happy to do. We will then proceed with the Red Check Review™ process.

### Order of Beneficiaries

Far and away the most confusing issue for our clients is the proper order of beneficiaries on the beneficiary designation form. Please keep in mind that there is *not* a consistent pattern among the various assets controlled by beneficiary designation. In short, we look at both the proper ownership and beneficiary designation of each specific type of asset and make a then make a personalized recommendation.

In your Operator's Manual Tab Four you will find a one page instruction sheet listing our *standard* recommendations. Please refer to this when acquiring new assets or changing financial companies and advisors. (We have also provided you with a list of Red Check Requirements for *all assets* behind Tab Four of your Operator's Manual.) Below you'll find

a quick review.

## **IRAs and Company Retirement Plans**

IRAs and retirement plans at work are *personal* accounts where the government provides preferred tax treatment. These accounts are technically custodial and employer trust accounts (assets held on behalf of employees). For this reason, the *ownership* does not change.

IRA custodial agreements are very consistent. This allows us to make a consistent recommendation for **traditional** IRAs *without having to individually review* the custodial agreement: your trust as the primary beneficiary and your individual beneficiaries as the contingent beneficiary. The order is reversed for **Roth** IRAs because there are no required minimum distributions during the lifetime of the owner *or spouse*.

The terms of employer-sponsored plans, on the other hand, vary dramatically. For this reason, *we must individually review the plan's terms* (found in a document called the **summary plan description**) *to determine the correct beneficiary order!* It is our experience that the summary plan description is difficult to obtain. Further, after reviewing hundreds of plan documents, we have found that most company plans poorly coordinate with trust planning.

Until 2008, we recommended you name your *individual beneficiaries as primary* and *your trust as the contingent beneficiary*. Legislation passed in 2008 provided a method to transfer funds into inherited IRA's *even for non-spouses!* For this reason, we now recommend that your *trust be named primary* and your *individual beneficiaries as contingent*, just like IRA's. In the short run, we will still obtain the summary plan description to verify that there are no administrative "landmines" to navigate.

Another constant source of frustration for clients is conflicting advice on retirement accounts. Remember that your financial advisors are normally trained to name the trust as the contingent beneficiary on your IRA accounts, and fear "tax problems" if the trust is named primary. Rather than being caught in a "crossfire" between your advisors, please just let us know you've had the question raised. We'll contact your financial advisor and handle the situation for you. The resolution will include contact from *both* of your advisors to let you know we're now "all on the same page."

## **Annuities**

Annuities can be provided through banks, brokers, insurance agents and even employers. In most cases, both the ownership and the beneficiary designation must be reviewed. The proper beneficiary designation for an annuity depends upon the specific language of the contract.

Our review of hundreds of individual contracts from dozens of companies indicates that most annuity contracts contain distribution language unfavorable to trust planning. For this reason, when you acquire a new annuity we recommend you name yourself as owner, the individual beneficiaries as primary and your trust as contingent beneficiary. When you forward the material for Red Check Review™, we will need the beneficiary paperwork *and a copy of the annuity contract itself*. Keep in mind that an annuity may be purchased inside an IRA. In this case, the IRA custodial agreement controls your distribution options and you can follow the standard IRA recommendation of *your trust* as primary and *individuals* as contingent beneficiaries.

Just as with IRAs, your normal annuity statements *do not* include beneficiary designation information. Before you send in a statement, please check that your statement includes beneficiary designation information. If it does not, you may either: (1) call the company or your financial advisor to obtain the information, or (2) ask us to obtain the information for you, which we'll be happy to do. We will then proceed with the Red Check Review™ process.

## **Life Insurance**

Life insurance contracts are very trust-friendly. As a result, we are able to make a consistent recommendation that you name *your trust* as primary and *individuals* as the contingent beneficiary. It is also safe for your trust to be the owner of the policy.

## **RED CHECK REVIEW™ REQUIREMENTS SUMMARY FOR BENEFICIARY DESIGNATION ASSETS**

- 1.) Follow Standard Recommendations (Tab Four) when purchasing new assets or changing financial company or advisor.
- 2.) On your traditional IRAs, name *your trust* primary *and individuals* contingent beneficiary, and just the reverse for Roth IRAs. For Red Check Review™, forward copies of *IRA Beneficiary Designations*.
- 3.) For plans at work, name *your trust* as primary and *your individuals* as contingent beneficiary. Forward *summary plan description* for our review.
- 4.) For new annuities, name *yourself* as owner. Name *individuals as primary and your trust as contingent beneficiary*. Forward copy of the beneficiary designation *and a copy of the annuity contract* for our review. We will then make an appropriate final recommendation.

# SAMPLE IRA FUNDING LETTER

## *Instructions for Retirement Plans, IRAs or Keoghs*

Wells Stanley & Lynch  
3966 E Pratt St Ste 500  
Baltimore MD 21201

Re: Account Number: **052103**

I have entered into a Revocable Living Trust and I desire to change the beneficiary of the above referenced asset. Accordingly, please make the following changes to the beneficiary designation of the above referenced account.

The ***Primary*** Beneficiary should read as follows:

**WILLIAM A. SAMPLE and MARY A. SAMPLE, Trustees, or their successors in trust, under the WILLIAM A. SAMPLE LIVING TRUST, dated February 1, 1996, and any amendments thereto**

The ***Contingent*** Beneficiary should read as follows:

**MARY A. SAMPLE**

The address of the trust will not change from the address currently in your records, which is reflected below. Enclosed for your records are photocopies of relevant portions of the trust.

**If you should require any additional information or documentation to be completed, please contact Edward S. Clay, P.A., 1300 York Road, Suite 120, Lutherville MD 21093, Telephone: (410) 296-3358. You are expressly authorized to disclose any necessary information to attorney Edward S. Clay to effectuate this change. Please note that the mailing address currently on file should remain the same.**

Please return the enclosed ***Verification of Change of Beneficiary*** within 7 days of receipt of this letter to attorney Edward S. Clay at the address referenced above.

**\*PLEASE NOTE\* THIS IS A CHANGE OF BENEFICIARY AND NOT A CHANGE OF OWNERSHIP.**

---

WILLIAM A. SAMPLE

123 State St., Lutherville MD 21093, (410) 555-1212

Dated: \_\_\_\_\_

## Verification of Change of Beneficiary

Wells Stanley & Lynch  
Re: Account Number: **052103**

The undersigned hereby acknowledges the change of the *primary* beneficiary of the above referenced asset into the name of:

**WILLIAM A. SAMPLE and MARY A. SAMPLE, Trustees, or their successors in trust, under the WILLIAM A. SAMPLE LIVING TRUST, dated February 1, 1996, and any amendments thereto**

The undersigned hereby acknowledges the change of the *contingent* beneficiary of the above referenced asset into the name of:

**MARY A. SAMPLE**

---

Representative Printed Name

---

Representative Signature

---

Representative Title

---

Date

**\*Note: Please sign and return to Edward S. Clay, P.A., 1300 York Road, Suite 120, Lutherville MD 21093, Telephone: (410) 296-3358, Fax: (410) 296-2658.**

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**EDWARD S. CLAY, P.A.**  
**STANDARD FUNDING RECOMMENDATIONS**

---

## **LIFE INSURANCE**

- **Owned by the Trust of Insured**

### **Beneficiaries:**

	<b><u>Married</u></b>	<b><u>Single</u></b>
<b>Primary:</b>	Trust	Trust
<b>Contingent:</b>	Spouse	Individual Beneficiaries

## **ANNUITIES (not IRA)**

- **Owned Individually**

### **Beneficiaries:**

	<b><u>Married</u></b>	<b><u>Single</u></b>
<b>Primary:</b>	Spouse	Trust
<b>Contingent:</b>	Trust	Individual Beneficiaries

*Send Full Copy of Annuity for Red Check Review™!*

## **IRA's**

- **Always Owned Individually (by law)**

### **Beneficiaries:**

		<b><u>Married</u></b>	<b><u>Single</u></b>
<b>Traditional:</b>	<b>Primary:</b>	Trust	Trust
	<b>Contingent:</b>	Spouse	Individual Beneficiaries
<b>Roth:</b>	<b>Primary:</b>	Spouse	Trust
	<b>Contingent:</b>	Trust	Individual Beneficiaries

*If IRA's have large balances or percentage of assets,  
attend RP<sup>2</sup>™ Workshop and get individual advice!*

## **COMPANY PLANS**

- **Always Owned by Company (You Are Participant!)**  
**Beneficiaries:**

	<b><u>Married</u></b>	<b><u>Single</u></b>
<b>Primary:</b>	Trust	Trust
<b>Contingent:</b>	Spouse	Individual

*Send Summary Plan Description for Red Check Review™!*

## **HOMES**

- **Buy or Borrow in Joint or Individual Name**
- **Forward New Deed to Law Firm**

## **OUT OF STATE**

- **Buy or Borrow in Joint or Individual Name**
- **Contact Law Firm for Referral**

## **USE ASSET REVIEW REPORT SYSTEM™**

## **CONSOLIDATE ASSETS NOW!**





## **TAB 5**

### **Empowered Legacy Program™**

- 1. Glossary of Terms**
- 2. Essential Elements of Plans that Work**
- 3. Helper Hints**
- 4. Family Legacy Special Stuff System™**
- 5. Healthcare Instructions Sample**
- 6. Funeral Instructions Sample**
- 7. Docubank®**
- 8. Directive Communication Systems (DCS™)**

## Family Legacy Glossary of Terms

### **AFR: Annual Family Reunion™**

The spring “for all clients” reunion, the AFR helps keep you mentally engaged with your plan, avoid the “stick it on the shelf and forget it” mindset that will lead to plan failure. Discussion centers on plans for the year. Calendar is released, fees for following year announced, and a selected education topic is discussed. Presented in “stakeholders” meeting format.

### **ARR: Asset Review Report™**

This report shows all of your trust assets, whose trust it is in, and has a ✓ if the law firm has been able to verify (i.e. with Red Check Review™ paperwork) that it has been funded appropriately. Assets with a \* indicate the transfer was supervised by someone outside the firm, but that no further client action is necessary.

### **CUP: Client Update Program™**

These small-group workshops are held in the fall. Half of our Classic Three-Step clients update each year. The “**RED**” group is those who update in odd-numbered years, and the “**BLUE**” group is those who update in even-numbered years. Each client should attend every other year.

Our “Trusts are for Everyone” **GREEN** group and “ProActive Elder Law” **YELLOW** group update in years ending in 0 and 5.

### **EPRW: Estate Planning Review Worksheet™**

A “memo” style overview of your estate plan. Sent out before a Client Update Program™ so you can review your plan and notify us of any personal changes you wish. An EPRW is also stored as the last item under TAB 2 in your Family Legacy Client Organizer™ to give you an efficient way to initiate an amendment to their estate plan. If you want to make a change in your plan, simply make notes where provided to explain the requested change and mail it to us!

### **Empowered Inheritance Program™**

The program for beneficiaries who will inherit from a Client’s plan. This program allows beneficiaries to understand how their inherited trust will work and what planning opportunities may be available to coordinate with their own planning. It also allows beneficiaries to take an active role in maintaining their inherited plan through continuing maintenance and education with the Law Firm.

## **Empowered Legacy Session™**

The “orientation” meeting for clients who have completed a plan design and are ready to move on to Step 2 of the Three Step Strategy: Committing yourself and your family to a formal continuing maintenance and education program. At this session, which is hosted periodically in person and always available online, clients receive a re-cap of their plan, an orientation for how we will work together moving forward, and instructions on how to access the entire library of resources and education.

## **Family Asset Protection Program™**

The “Medicaid planning” program that is designed to help families who are concerned that their health care needs may soon outpace their assets. Clients work with the law firm to examine long term care funding options and financial strategies including the creation and funding of a Strategic Gift Trust. Family involvement is key to successful Family Asset Protection Program™ plans.

## **Family Education Program (aka “Nuts ‘N Bolts™” or “Made Simple™ Series”):**

Educational workshops designed to help prepare families for what must be done at the time of a disability or death. The Settlement Made Simple™ programs are for clients only (they assume knowledge and comfort with the firm stories). Various programs offered from year to year for the benefit of successor trustees and beneficiaries . The current design consists of four modules: an Introduction/Overview, Death Settlement, Disability Transition, and Inheritance Training.

## **PRO Active Elder Law™**

The umbrella of programs and services designed to serve the original Client through the aging process. This is a holistic approach that examines legal, financial, and health care needs and involves the whole team of Trusted Advisors, Resource Partners, and client’s Helpers to empower mom and dad’s plan as they age and their abilities may change. This includes Special Delivery Service, Disability Settlement Security System, the Family Asset Protection Program, and Life Care Planning.

## **Red Check Review™ (or “Red Check Materials”)**

Proper titling of everything you own is essential. Usually that means each asset is owned by, or payable on death to, your living trust. We review written evidence (copy of bank signature card, vehicle title, deed to real estate, etc.) to confirm that each asset will follow your plan. You provide us the written material, we review it and if it is correct, the attorney puts a red check mark on it with his initials; we note in your Asset Review Report™ that it is verified, then send that red-checked copy back to you to store in your Estate Planning Portfolio (**RED** Binder) under the “Trust Transfer Documents” tab. Details regarding required material are contained in Tab 4 of your Operator’s Manual.

## **Red Check/Asterisk™**

A Red Check/Asterisk is part of the Red Check Review™ system, and is granted when another law firm or individual supervises the financial transaction. Common examples include out-

of-state deeds and business transactions. The firm grants the Red Check so that our clients know they have provided all necessary materials, but conditions the Red Check with an Asterisk to note that it has not provided legal advice associated with the transaction.

### **School Bus Trusts™**

Protective trusts designed to protect spouses in a marital trust from threats of creditors, divorce, and illness, while still allowing access for anything they might need. School Bus Trusts™ can be customized in a number of ways, including custom terms for divided trusteeship and training and instruction that may be left for beneficiaries. This term was coined to refer only to spouses inheriting in a marital trust, but clients have stretched that to mean any trust for any beneficiary that provides “School Bus” protections.

### **Special Delivery Service™**

Special Delivery Service™ starts with a Family Counselling Review to enroll the client family in the program. The Law Firm works with the Client and client Helpers to develop a customized plan for how to work together moving forward and how to assure that the client can meet the commitments for education and communication with the law firm, even as an out of state move or the aging process has made it difficult to see, hear, walk, sit, or drive to the office for regular meetings.

### **Strategic Gift Trust™**

The “School Bus” trust used in the Family Asset Protection Program™ to help families balance goals of transferring inheritance along to the next generation and protecting or preserving assets to pay for long term care. Every Family in the Family Asset Protection Program™ receives an irrevocable Strategic Gift Trust™ as part of the planning process and then may decide how much and at what time to fund the trust after counselling.

### **Survivor Support Program™**

The additional services offered to survivors after the death of a spouse. Survivors have a dedicated Client Update Program™ where all attendees are surviving spouses and will have similar experiences and concerns. Survivors are counselled and supported to maintain their Family or Marital Trust that was created at the first spouse’s death. There is increased importance on coordinating with trusted advisors and client Helpers for those client families enrolled in the Survivor Support Program™.

### **TAEP: Truth About Estate Planning™**

This program is our prospective client orientation workshop. The theme is essentially to discuss why most estate plans don’t work, then to share how to pursue a process that will better ensure a successful plan (as the client defines it!).

The first part of the program covers “How to Select and Work With an Estate Planning Attorney.” The second part examines how the five major ways to hold title to assets address the four major estate planning challenges. The foundation of our approach to planning is contained in this material.

## **Three Step Strategy™**

The process we follow with clients from start to finish. The Three Steps are: 1. Design your plan with Counselling Oriented Planning Partners. 2. Commit yourself and your loved ones to a formal continuing maintenance and education program. 3. Secure appropriate assistance for yourself and your loved ones to transfer your wisdom along with the rest of your wealth.

## **Trust Protector**

Independent third party, who can make changes to the trust consistent with the client's intent, even after the disability or death of the original client.

## **Wealth Reception Planning™**

This concept involves pursuing planning that addresses your True Wealth, that is, it considers both your financial and non-financial wealth. It is designed to make sure your values are passed along with your valuables, and to make sure that your life wisdom is reflected in your planning for your loved ones.

## **Wheelchair/Cruise Story**

After your beneficiaries may have a major illness, their School Bus Trust™ can cover anything for Health, Education and Maintenance. For the Health category, this includes everything from over the counter medications to major health concerns. Imagine if they needed a wheelchair all of the accommodations for a wheelchair, including home modifications could be covered.

The Cruise Story describes a widow who is able to go on a cruise with her inherited dollars. This is the "Maintenance" standard, because she can use the money for anything that maintains the lifestyle to which she had become accustomed during her husband's life (if they could have afforded it, she can go on the cruise, even if they never decided to go during lifetime).

## **Wisdom W™**

The Wisdom W illustrates our seven-step process that begins with the original Client's orientation to the firm and plan design and moves through the phases and elements of working together on the continuing maintenance and education program, all the way to death settlement and then beyond with Wealth Reception Planning™.

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# Essential Elements of Plans That Work

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## 1. **EPRW** Estate Planning Review Worksheet

- Executive Summary of Documents
- Helps you make changes to your plan

## 2. **ARR** Asset Review Report

- Executive Summary of Assets
- Helps us verify that the trust is fully funded

## 3. **Personalized Instructions**

- Custom Health Care Instructions in case of Disability
- Promote values with instructions for loved ones

## 4. **Additional Counselling**

- Involves proactive communication
- Helps you and your family understand your plan

## 5. **Trust Protector**

- Third Party who can update documents
- Helps carry out your intent

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# Family Legacy™ “HELPER HINTS”

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## Empower the Creator’s Legacy

- Discuss: communication is absolutely essential
- Decide: help the Creator make decisions

## Attend Family Legacy Learning Solution™ Programs

- Support Creator in their attendance as needed/requested
  - Annual Family Reunion™ & Client Update Program™
  - The Family Education Program™
  - The Technical Training Program™
  - The Bridge Builder Series™
  - Community-Builder Series™
- Attend Nuts ‘n Bolts™ programs yourself!

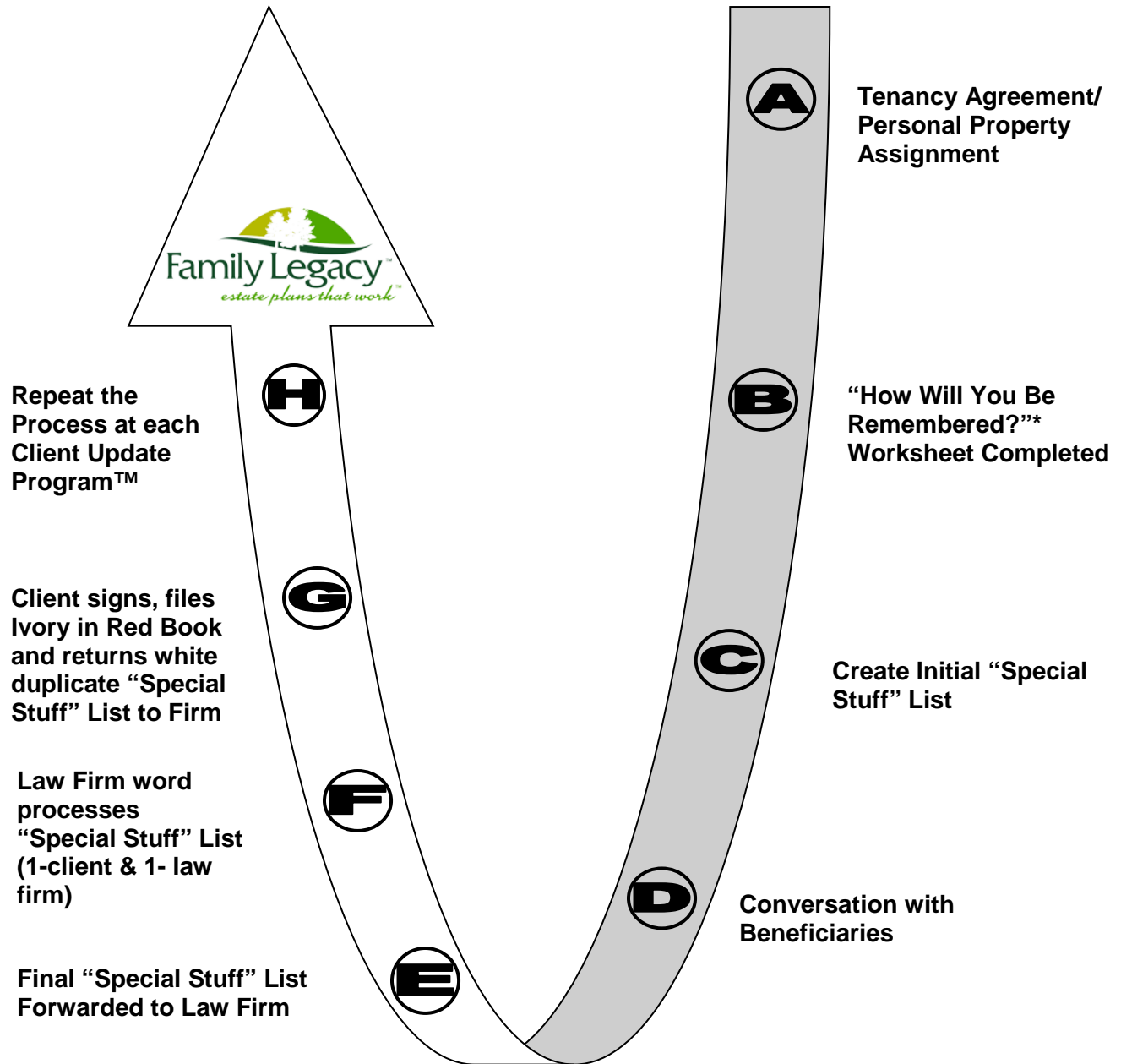
## Support Red Check Review™ system

- Asset Review Report™: As requested/needed help Creator keep it current and complete
- Red Check Review™: Ensure all assets receive “Red Check,” Red Asterisk or clearly marked as “not fundable”

## Know the “911” Emergency Steps (when Disability or Death Occurs)

- Get Red Book
- Call Law Office
- Review “Things To Do” and “Things NOT To Do”
- Support the Process: The process will produce the intended results, most efficiently and with the least stress for you!

# Family Legacy “Special Stuff” System™





# Memorandum for Distribution of Tangible Personal Property of WILLIAM A. SAMPLE

Pursuant to Article Seven of the WILLIAM A. SAMPLE LIVING TRUST, dated May 21, 2010, and any amendments thereto, I hereby request my Trustee to distribute the following items of nonbusiness tangible personal property described in this Memorandum to the beneficiaries named below. My Trustee shall make any distributions that are noted "MD" after *My Death*, which shall be the default if "when" is not noted. My trustee shall make any distributions that are noted "AS" only *After my spouse and I are both deceased* as it is my intent that my spouse be able to enjoy such items during their lifetime.

Description of Tangible Personal Property	Recipient of Tangible Personal Property	When (MD or AS)

If a recipient of a particular item of nonbusiness personal property does not survive me, such item shall be disposed of as though it had not been listed in this memorandum. In the event there is a conflict between this memorandum and the WILLIAM A. SAMPLE LIVING

TRUST, dated May 21, 2010, and any amendments thereto, the terms of my trust shall control. It is my desire and intent that for purposes of distribution of the tangible personal property listed above, this memorandum be deemed an amendment to my living trust, even though it may not be signed with the same formality as my trust agreement, and that this memorandum, even if signed prior to a subsequent restatement of my trust, remain in force and effect so long as none of the tangible personal property listed above is specifically directed to be distributed to some other party under such later restatement.

Dated: \_\_\_\_\_

\_\_\_\_\_  
WILLIAM A. SAMPLE

## Hypothetical Scenario Analysis Form

Name: WILLIAM A. SAMPLE

Record your preferences by writing your initials in the box that best corresponds with your wishes. To eliminate any ambiguity regarding this scenario, ***please make certain you record a preferred course of action for each medical treatment/procedure.***

### Situation A

If I am in a coma or a persistent vegetative state and, in the opinion of my physician and several consultants, have no known hope of regaining awareness and higher mental functions no matter what is done, then my wishes regarding use of the following, if considered medically reasonable, would be:

Medical Treatment / Procedure	I want treatment.	I want treatment, if no clear improvement, stop treatment.	I am undecided.	I do not want treatment.
Cardiopulmonary Resuscitation		Not Applicable		
Mechanical Breathing				
Artificial Nutrition and Hydration				
Major Surgery		Not Applicable		
Kidney Dialysis				
Chemotherapy				
Minor Surgery		Not Applicable		
Invasive Diagnostic Tests		Not Applicable		
Blood or Blood Products				
Antibiotics				
Simple Diagnostic Tests		Not Applicable		
Pain Medications (Even if they dull consciousness and indirectly shorten my life)		Not Applicable		

# Instructions For My Final Arrangements

To My Loved Ones:

## Intent of this Memorandum

This memorandum is written in order to express my wishes and beliefs regarding my memorial and/or funeral arrangements.

It is my intent that my Trustee(s) and loved ones follow the instructions contained in this letter. I recognize, however, that there are circumstances that I cannot anticipate. It is my hope that my Trustee(s) and loved ones will use their best abilities to carry out these instructions.

## Conflicts with My Living Trust or Pour-Over Will

If any instruction contained in this letter is in conflict with any of provision of my Living Trust or pour-over will, the provisions of my Living Trust or pour-over will, as the case may be, shall control.

## **Notification of My Death**

Upon my death, please notify the following relatives, friends, and organizations:

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I would like to have my obituary placed in the following newspapers, publications, etc.:

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1300 York Road, Suite 120  
Lutherville, Maryland 21093  
*Appointments Available in Bel Air and Rockville*

410.296.3358 PHONE  
410.296.2658 FAX  
info@estateplan.org  
www.estateplan.org

PLANNING WITH PURPOSE • PLANNING FOR RESULTS

## Memorandum

To: All Clients

From: Edward S. Clay, P.A.

Date: January 2018

RE: **Updating Doctor Information**

We are often asked about how to go about updating doctor information when a change in physicians takes place. Briefly, there are two steps in this process.

### **Update Edward S. Clay, P.A.**

To assure that your health care information is current and available in an emergency, you will want to update the Law Firm with the contact information for your new physician. You may do this by phone, email or mail, whichever you prefer. After your initial contact, we will provide you with a DocuBank® Re-Enrollment form, reflecting the changes that we have received.

As you know, DocuBank® periodically sends you an update sheet requesting you to review the information in their files. You may also update your DocuBank® records at that time by filling out the survey form and returning it to our office. **Please do not update DocuBank® without notifying us.** Unfortunately, there is no way for DocuBank® to notify us when changes have been made to their files. This means we need your assistance with maintaining the proper flow of communication. If you wish to make an update using the forms mailed to you by DocuBank®, simply return that form to our office and we will take care of it for you.

We will reprint the information from your file at each Annual Family Reunion™ so that you may be sure everything is current.

### **Return A Signed Docubank Re-Enrollment Form**

Once you have contacted our office and received your DocuBank® Re-Enrollment Form, reflecting the updated information that we have received, please sign and return the form. We will take care of submitting it to DocuBank® and ensuring that your new physician receives a copy of your documents.

### **Requesting a New Membership Card**

You will need a new membership card only if you change your first emergency contact or allergy information. When we submit those changes on your behalf, DocuBank® will issue a new card within 3 weeks. In the interim, you may continue using your old card.

To request a replacement for your lost card, you may use the DocuBank® website or telephone number, whichever you prefer. If using the internet, go to [www.docubank.com](http://www.docubank.com) and click on “Member Services” You will then enter your member number and access code, which you will find on the front of your DocuBank® card. To request a new card by telephone, simply call DocuBank® toll-free at 866-362-8226.

### **General Comments**

Two questions frequently arise involving doctor records. First, when you change doctors, many physicians will forward the contents of your file directly to the new doctor. A few, however, want to copy the contents (at a high per copy cost) and give them directly to you for forwarding. If you run into the “copier” concern, let us know and we’ll forward your health care documents to your new physician for you.

Another question is which doctor(s) should have copies of your health care documents. The only requirement is that your primary physician has a copy in your permanent medical records. We take care of that for you from here at RGP when you start the planning process, and can assist if you need help with the “copier” problem.

Many clients want different specialists to have copies of their health care documents. If you would like a doctor other than your primary care physician to have copies for your file, feel free to copy the documents from your “Red Book” yourself and provide them to the appropriate medical personnel. You might also consider having DocuBank® fax them for you. This would allow you (and your physician!) to see how DocuBank® works—just be sure to warn the doctor’s office that a big fax is coming!! Finally, you may consider allowing your physician’s office to access your records the same way they might in an emergency – by using your access code found on your DocuBank® card. Please be aware that this will trigger the notification system and your emergency contacts will receive notice that a doctor has accessed your health records.

We hope this memo helps you in your efforts to keep your health care documentation current.

## Memorandum

To: All Clients

From: Edward S. Clay, P.A.

Date: January, 2019

RE: **Enrollment in Directive Communication Systems (DCS)**



Directive  
Communication  
Systems

We are excited to announce our new service to make your estate planning complete. We've partnered with Directive Communication Systems (DCS), the leading provider of personal account management.

Meeting today's needs with digital assets and profiles is complicated. DCS' services assist in organizing and handling your on-line and offline accounts while tracking the latest developments for each account you have registered. If your accounts are not known, and there are no clear instructions on how you would like each account handled, your funds may not get fully distributed. This may cause family members to experience unnecessary anxiety and stress in dealing with upwards of hundreds of accounts. DCS services handle most of your account types including:

- Banking
- Investments
- Social Media
- eCommerce
- Loyalty/Rewards
- Charities
- Data Storage
- Subscription Services
- Entertainment

***DCS DOES NOT require, or know, the account passwords***, contents, credit card expiration dates or other sensitive account information, only that the accounts exist. The service is to protect the integrity of your information and directives.

Your personal account portfolio is continually updated with new enrollments and account changes. With one centralized service, DCS helps manage your accounts efficiently, effectively and comprehensively.

As a DCS client, you'll receive many benefits:

- Peace of Mind removing burden of loved ones of having to locate and deal with accounts while grieving;
- Identified hidden or lost accounts ensuring your assets are properly probated;
- Secure information storage without requiring passwords, credit card CVV or expiration dates;
- Reduced threat of identity fraud that can be costly and significantly delay your estate;
- Clear and accurate directives with institution specific options.

We are proud to offer the latest services in protecting you and your assets. We recommend DCS to our clients so that their plans are current and meeting today's needs. Attached is some additional information on DCS, or you can visit them at [directivecommunications.com](http://directivecommunications.com) to learn more.

Enrolling is easy and we can get you started right away when you sign the Authorization to Enroll in DCS form. Once we complete your enrollment, we will contact you by email to confirm your registration is complete. You will receive an email from DCS which provides you with instructions on how to populate your protected portal as well as how to secure help.

Should you have any questions, please feel free to contact us.





## **TAB 6**

### **PROActive Elder Law**

- 1. PROActive Elder Law Program™ Overview**
- 2. PROActive Elder Law Family Commitment Clarifier™**
- 3. Special Delivery Service™**
- 4. General Durable Power of Attorney Process Arrow**
- 5. The Family Legacy Disability Settlement Security System™ Process Arrow**
- 6. Where to Start When Mom or Dad Needs Care**
- 7. The Family Legacy Family Asset Protection Program™ Process Arrow**
- 8. The Family Legacy Medicaid Qualification Process™ Arrow**
- 9. The Family Legacy Terminal Illness Process™ Arrow**

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# PRO *Active* Elder Law Program™

## Overview

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*Proactive  
Preparation  
Approach™*

- Health Care Instructions
- Family Legacy Learning Solution™  
Training for Helpers

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*Active  
Implementation*

- Special Delivery Service™
- Disability Settlement Security System™
- Family Asset Protection Program™
- Life Care Planning

# The PROActive Elder Law Family Commitment Clarifier™

## Draft

### *Helpers Will:*

- Understand Reasonable Expectations
- Empower **Original Client's Legacy**
- Honor the **Maintenance and Education Process**
- **Communicate Timely**
- **Engage in Education**
- **Return Signatures Immediately**
- **Always Agree On Next Step After Each Contact**

### *Edward S. Clay, P.A. Law Offices Will:*

- ~~Meet or Exceed Reasonable Expectations~~
- ~~Conduct Thorough Family Counselling Session™~~
- ~~Honor the Maintenance and Education Process~~
- ~~Timely Review Communication~~
- ~~Provide Quality Education and Legal Updates~~
- ~~Handle Matters Efficiently and Professionally~~
- ~~Always Agree On Next Step After Each Contact~~

# SPECIAL DELIVERY SERVICE™ CHECKLIST

Client : \_\_\_\_\_

Date: \_\_\_\_\_

Meeting Attendees \_\_\_\_\_

☐ Mailings: Who receives a copy?    Client    Spouse    Helper

☐ ListServ Participation

☐ Next Meeting: CUP or AFR

Who will be attending? \_\_\_\_\_

Signing Procedure:    ☐ Website    OR    ☐ In-Person  
                                 ☐ Mail                    OR    ☐ Scout Delivery

☐ Review Check-In Procedures

☐ Client Competence                    ☐ Helper Information

☐ PRO *Active Elder Law*™ Program Overview

☐ Four Essential Elements of Plans that Work

- ☐ Red Check Review™ (Asset Review Report)
- ☐ Estate Planning Review Worksheet™
- ☐ Trust Protector
- ☐ When to Seek Additional Counselling

☐ Nuts & Bolts I™ Attendance

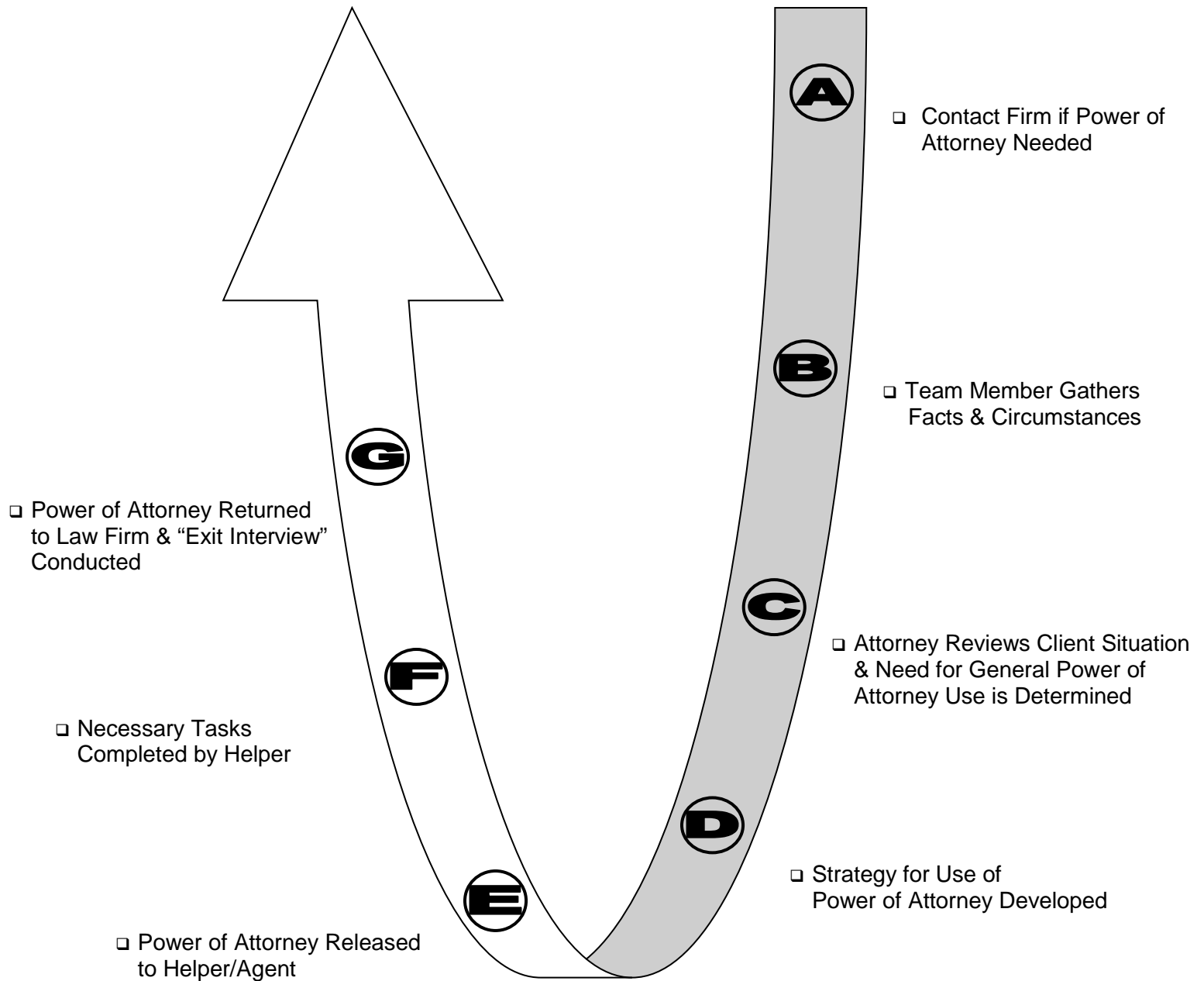
☐ Other Recommended Training:

- ☐ Empowered Legacy Session™
- ☐ Nuts ‘n Bolts IV™ Empowering Your Inheritance
- ☐ The Truth About Estate Planning Workshop™
- ☐ Other: \_\_\_\_\_

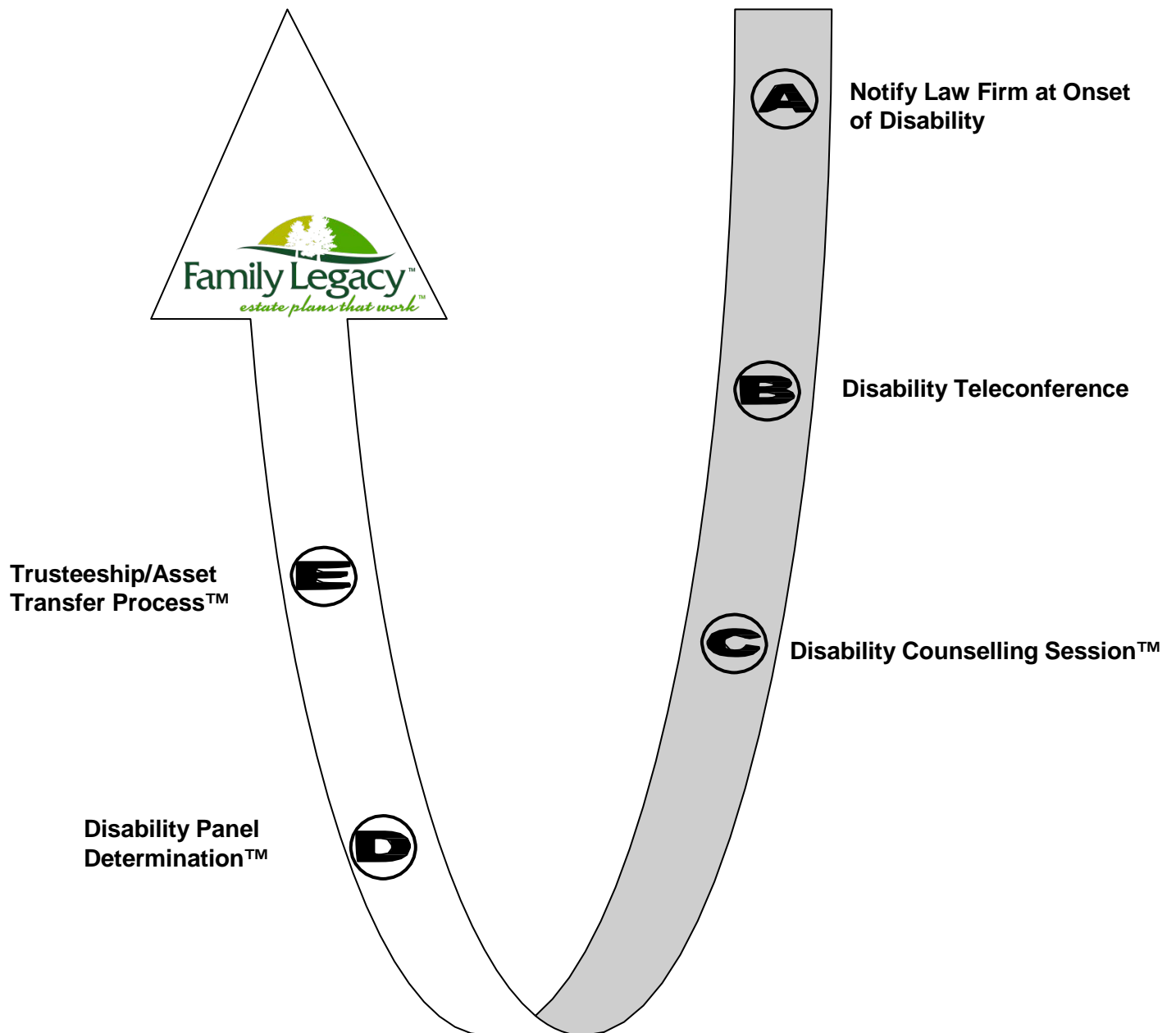
☐ Present Beneficiary Discovery Dialogue

☐ Client Family Operator's Manual™ Review

# General Durable Power of Attorney Escrow Process™



# The Family Legacy Disability Process™



## Where to Start When Mom or Dad Needs Care

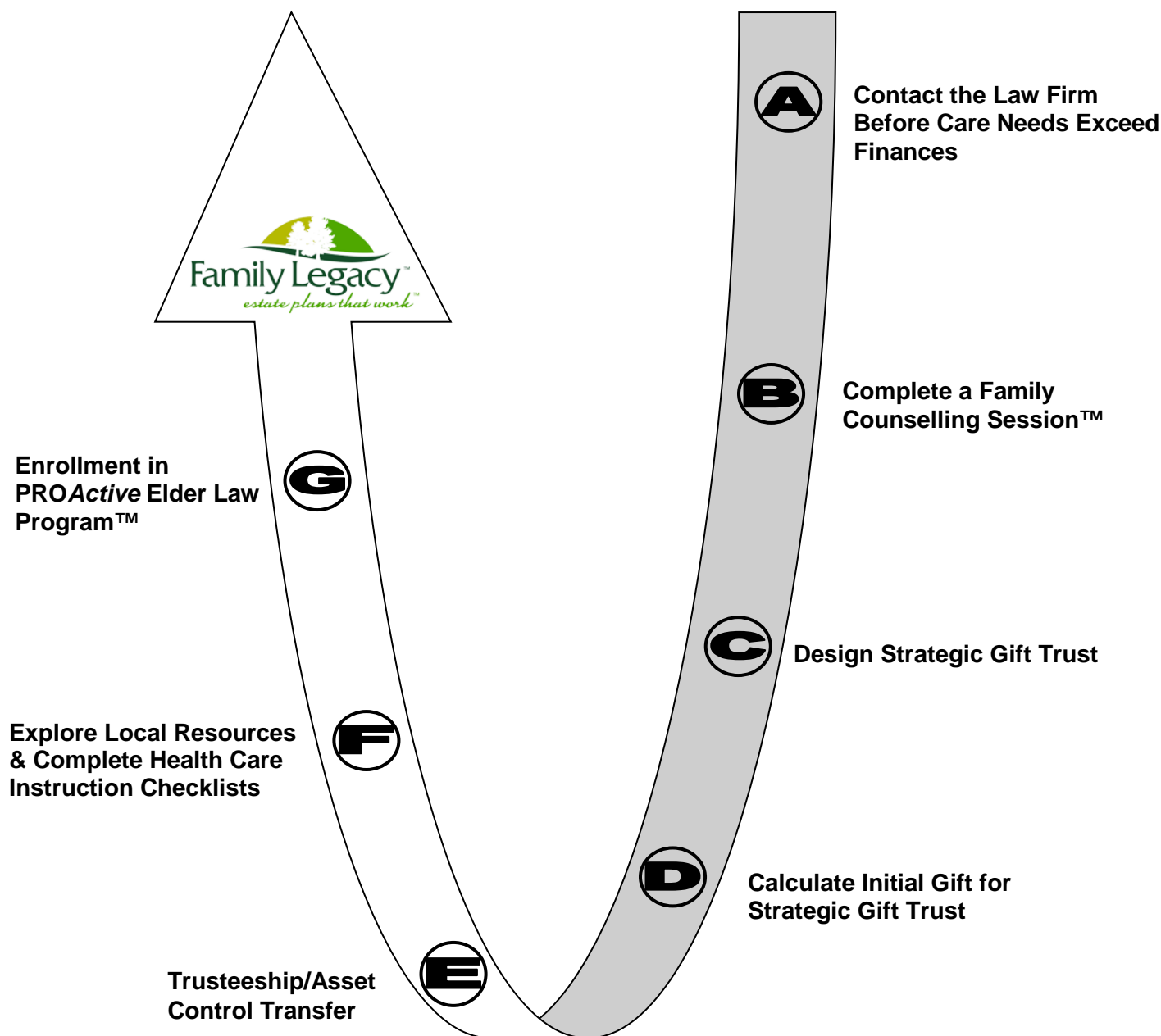
First, talk with the Elder and ask whether he or she has a plan in place. If the Elder is not able to discuss this with you, contact his or her trusted advisors to see what planning has been done.

Always call the Law Office with questions. Next, you may consider this list of resources:

- ✓ **Local Area Agency on Aging and Disability Resource Center** They will assign you a case worker and have a huge list of connected service providers and will go through a list of available services that you may be eligible to receive. Even if you aren't eligible for services (some are income based), the folks at the Disability Resource Center will be able to answer basic questions about how to navigate aging care transitions.
- ✓ **Center for Medicare and Medicaid Services Nursing Home Compare Tool** You can use the Center for Medicare and Medicaid Services Nursing Home Comparison Tool as a DIY to compare facilities in a given geographic area and see which ones have 5 star ratings. <https://www.medicare.gov/nursinghomecompare/search.html>
- ✓ **A Place For Mom** For a private facility comparison tool, you may use A Place For Mom. They will connect you with a counsellor who can set up visits at local facilities based on your desired criteria. There is no fee for the service. They do accept referral fees from their facilities. However, a facility that receives negative reviews will be removed from their list.
- ✓ **Geriatric Care Manager** For a "consultant" to help you through this, you may find a Geriatric Care Manager and patient advocate. This person should be very connected and able to answer specific questions about local facilities and help advocate for Mom's or Dad's best care. They will charge a fee for their services, but may offer complementary consultation to let you know if they would be a good fit to help with your specific situation.

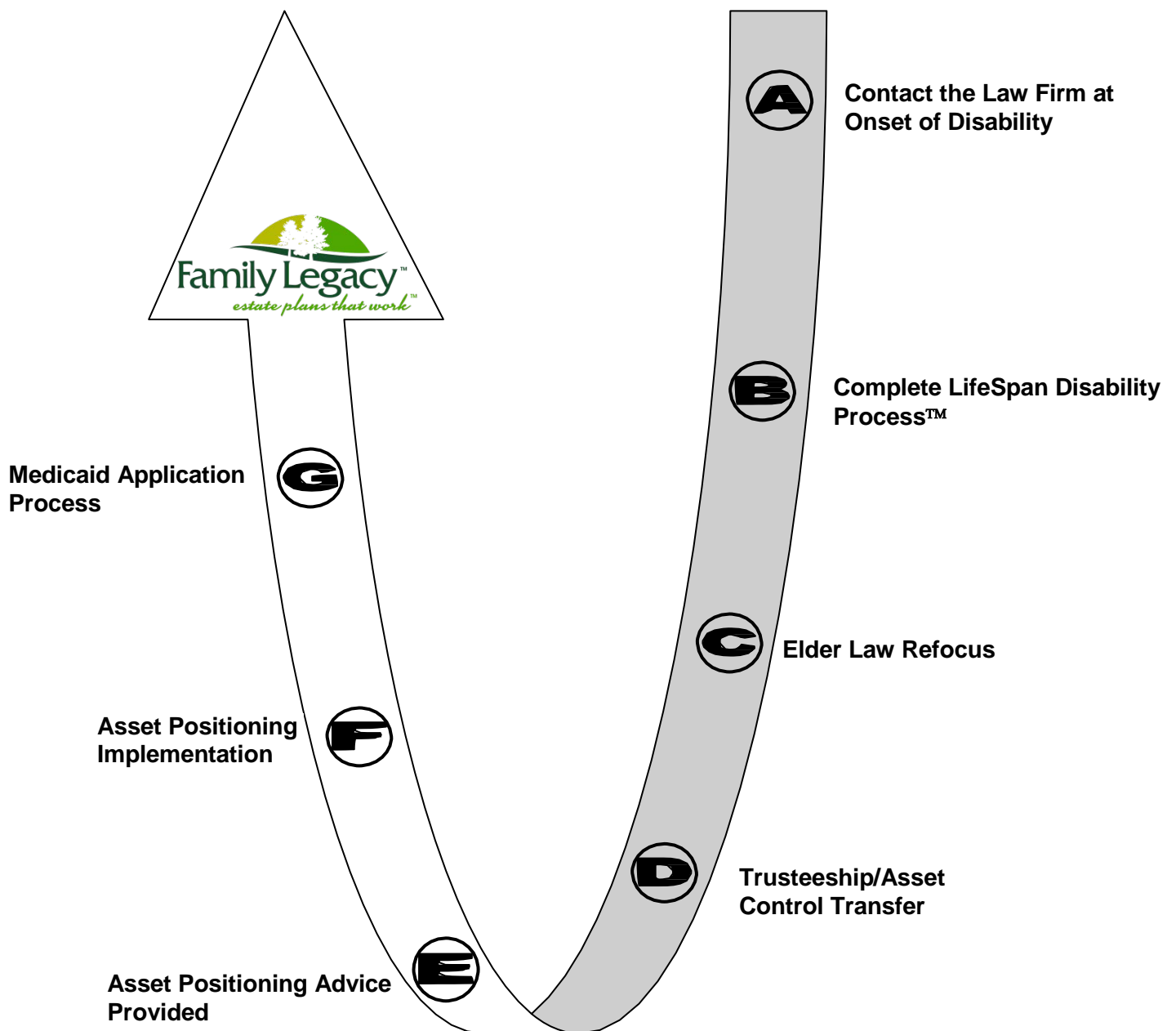
See *Edward S. Clay, P.A. Resource Guide* or call the law office for referrals

# Family Legacy Family Asset Protection Program Process™

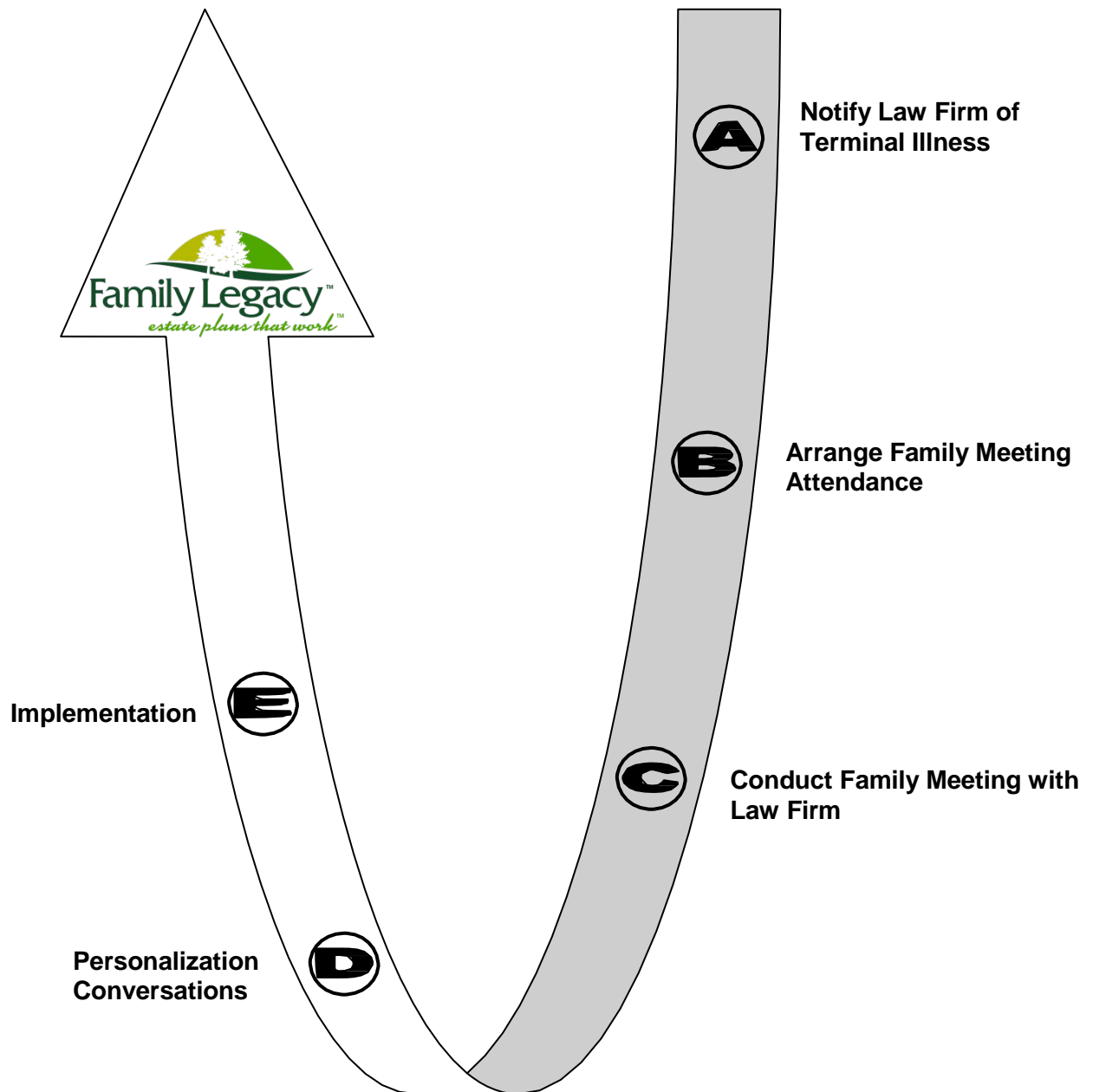




# Family Legacy Medicaid Qualification Process™



# The Family Legacy Terminal Illness Process™



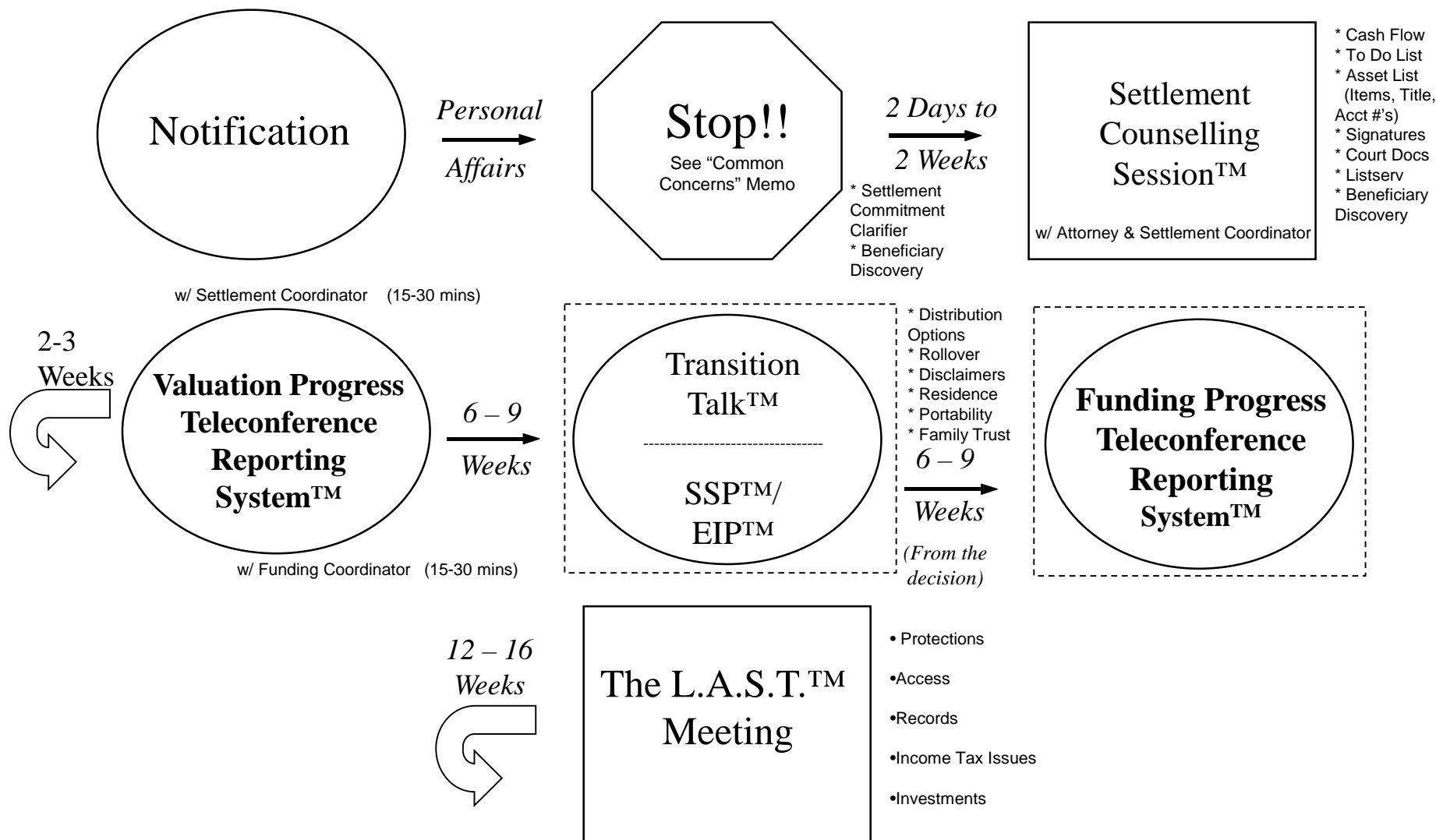


## **TAB 7**

### **Death Settlement**

- 1. The Family Legacy Transfer Process Navigator™**
- 2. Initial Settlement Notification Call**
- 3. Common Concerns Memo™**
- 4. When a Loved One Passes Away**
- 5. Helper Beneficiary Roles in Settlement**
- 6. Settlement Commitment Clarifier™**
- 7. Settlement Productivity Plan™**
- 8. Settlement Video Conferences**

# The Family Legacy Transfer Process Navigator™



## Initial Settlement Notification Call

**Client:** \_\_\_\_\_ **Date of Death:** \_\_\_\_\_

Caller/Person who notified office: \_\_\_\_\_

Date of Notification: \_\_\_\_\_ Date of Funeral Services: \_\_\_\_\_

# of Death Certificates needed: \_\_\_\_\_

Final Arrangements on File? Y or N Email to which Trustee(s)? \_\_\_\_\_

Successor Trustees (as named in Trust): \_\_\_\_\_  
\_\_\_\_\_

Did you go over Common Concerns Memo? Y or N Email Memo? Y or N

Suggestion Date(s) for INTIAL MEETING: \_\_\_\_\_

Attendees of INITIAL MEETING: \_\_\_\_\_  
\_\_\_\_\_

### Contact Info:

Name: \_\_\_\_\_ Phone \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Phone \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Phone \_\_\_\_\_ Email: \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Memorandum

### COMMON CONCERNS™

Many clients have common questions or concerns which arise shortly after the passing away of their loved one. In order to assist you during this interim period between now and the time you are able to meet with your attorney, we have put together this short memorandum. We hope that this will serve to ease your mind during this anxious and difficult time.

#### **Is there anything I need to do immediately?**

The first step is to locate your loved one's Estate Planning Portfolio (**RED** three ring binder). In that portfolio, your loved one may have left Instructions for Final Arrangements (located behind a *Memorial Instructions* tab) or anatomical gift instructions (located behind the *Anatomical Gift* tab). In addition, your loved one may have left a list of individuals you need to contact regarding final services (located behind the *Location List* tab).

If you or a family member have attended Nuts 'n Bolts training, you wish to refer to the Trust Settlement Instructions in the Helpers Handbook™ in order to prepare yourself for your Settlement Counselling Session™.

#### **How many death certificates do I need to order?**

Generally, the funeral director will order as many certified death certificates as you request. At a minimum, you will need an original certificate for yourself, the law office and each financial institution at which your loved one maintained an account (including banking, insurance and brokerage institutions). If you're unsure how many death certified death certifications to order, we recommend you initially request ten. If additional certified death certificates are needed, then can be obtained from the Vital Statistics at a later date.

**What should I do with any Social Security checks which arrive after my loved one has passed away?**

If you discover an uncashed Social Security check, please hold it until your Settlement Counselling Session™, and we will provide you with complete instructions as to how to proceed at that time. Normally, monthly Social Security payment received after the date of death must be immediately forwarded back to the Social Security Administration and must not be deposited or cashed.

**What do I do with other checks made payable to my loved one?**

Hold on to these checks until you meet with your attorney. The attorney will discuss this issue during your meeting. However, if you are uncomfortable holding on to the checks, feel free to call the office for direction. This is one of the first issues discussed in the Settlement Counselling Session™.

**Should I be getting appraisals of any of these assets?**

Until we have our Settlement Counselling Session™, there is no need to secure appraisals for your loved one's assets. However, eventually we will need a quoted value in writing on the value of any real estate, residential personal property, crops growing in the ground, licensed vehicles and watercrafts, and business interests. The "formality" of the appraisal or valuation will depend on the type of asset and the death tax situation involved.

**Should I be dividing up any of the personal property among surviving loved ones?**

**No.** You should not be dividing up any of the personal assets of your loved ones among the beneficiaries until you have had sufficient opportunity to assess the value of the items for tax reporting purposes. All distribution of your loved one's property should be postponed until after the Settlement Counselling Session™, and after the property has been properly valued.

**How do I pay funeral expenses?**

The funeral director will normally work with you on this issue. If your loved one made for pre-paid arrangements, you'll simply need to verify this fact. If no pre-paid arrangements were made, the funeral director will normally be satisfied with

either an assignment of life insurance or, if possible, an advance from a family member that will be repaid once your loved one's accounts become available. It is recommended that you NOT withdraw funds from any of your loved one's accounts in order to pay the funeral home.

### **How do I pay other bills that come due prior to the Settlement Counselling Session™?**

Most creditors are very understanding of the position you're in. You have no legal access to your loved one's funds until formal action has been taken. We recommend that you explain this to any creditors, and to simply inform them of when you will meeting with your attorney for the Settlement Counselling Session™. If you're faced with a particularly pushy or hostile creditor, call the law firm immediately so that we may work through the situation for you.

We hope these general guidelines help you through the first days after the passing of your loved one. It has been our experience that the closer you follow these guidelines, the smoother things go once we get together. Rest assured that your clarity and comfort level will improve considerably once we've conducted our initial Settlement Counselling Session™.



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# WHEN A LOVED ONE PASSES AWAY...

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## Things To Do...

- 👍 Call the law firm immediately!
- 👍 Locate the Estate Planning Portfolio (“**RED** Book”) and the Client Family Operator’s Manual (“**Black** Book”) and do not remove anything
- 👍 Review (and follow) the *purple* instructions for final arrangements in the **Red** Book behind the tab marked “Memorial Instructions”
- 👍 Arrange for the care of any pets
- 👍 Secure the house
- 👍 Schedule a Settlement Counselling Session™ with the Law Firm as soon as possible, to occur within 2 weeks
- 👍 Review Tab 7 of the Black Book
- 👍 Make a list of questions to bring to your Initial Settlement Counselling Session™
- 👍 Read and follow the correspondence you receive from the law firm

## Things NOT to do before your Settlement Counselling Session™...

- 👎 *Don't* close any bank accounts or roll over any IRAs
- 👎 *Don't* endorse any checks or other documents in the decedent's name
- 👎 *Don't* drive the decedent's car
- 👎 *Don't* remove any household furnishings
- 👎 *Don't* pay any bills
- 👎 *Don't* use decedent's credit cards
- 👎 *Don't* contact life insurance companies
- 👎 *Don't* contact banks or investment institutions
- 👎 *Don't* use any Power of Attorney or do anything “as” POA or “Agent”

# Successor Trustee and Beneficiary Roles in Settlement

## Successor Trustee

## Beneficiary

Notification  
Teleconference

- Common Concerns Do's & Don'ts
- Settlement Commitment Clarifier™
- Nuts N Bolts I? II?
- Helper/Beneficiary Commitments™

- Settlement Commitment Clarifier™
- Nuts N Bolts I? II?
- Helper/Beneficiary Commitments™
- Beneficiary Discovery Dialogue™
- Beneficiary Commitment Conversation™

Settlement  
Counselling  
Session™

- Engagement Letter

Valuation Progress  
Conference  
Reporting System™

- Nuts N Bolts IV™ Webinar

Transition Talk™

- Legal Decisions

Empowered  
Inheritance  
Session™

- Trust Reception Decisions
- Empowered Inheritance Program™ Engagement Letter
- Empowered Inheritance Session

Funding Progress  
Conference Reporting  
System™

- Wealth Reception Portfolio™

LAST Meeting™

- Estate Closing

- Beneficiary Year-in-Review Calendar

# The Settlement Commitment Clarifier™

Draft

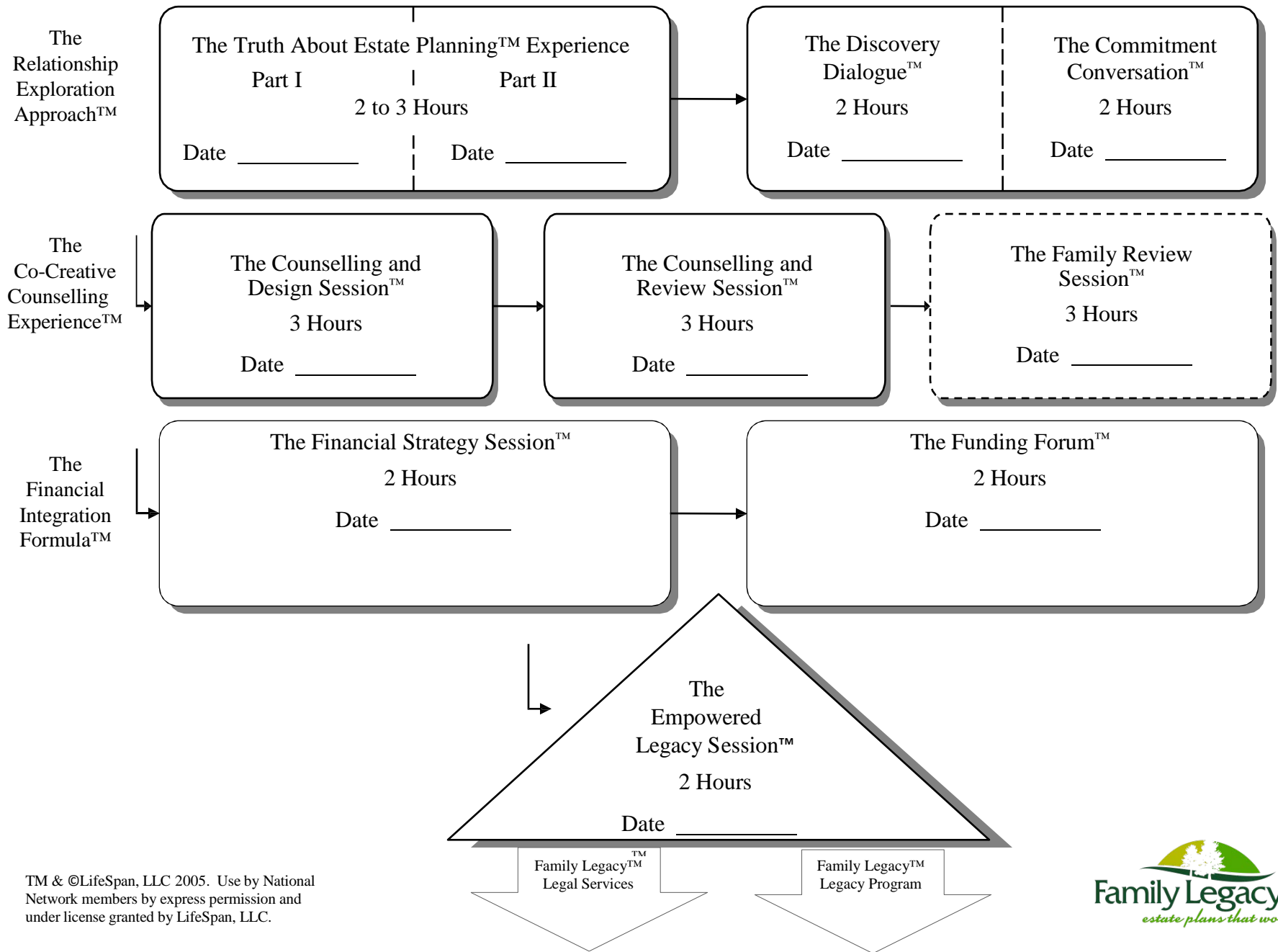
## *Successor Trustees Will:*

- Understand Reasonable Expectations
- Respect Common Concerns™ Memo
- Honor Settlement Productivity Plan™
- Forward Mail Immediately
- Return Signatures Immediately
- Resist “Going Direct”
- Always Agree On Next Step After Each Contact

## *Edward S. Clay, P.A. Law Offices Will:*

- Meet or Exceed Reasonable Expectations
- Conduct Thorough Settlement Counselling Session™
- Honor Settlement Productivity Plan™
- Timely Review Mail
- Forward Appropriately In A Timely Manner
- Handle Matters Efficiently and Professionally
- Always Agree On Next Step After Each Contact

# The Family Legacy Plan Development Navigator™



## Settlement Productivity Plan™

Client Settlements are divided into two groups, A and B. Each group's work is addressed on a regular basis.

In order to keep all cases moving forward smoothly, the Settlement coordinator focuses on preparation work for A group on alternating weeks with preparation for B group.

Please direct questions to your regularly scheduled Settlement conferences, understanding that the Settlement Coordinator will best be able to answer questions during your "prep week".

The Settlement Coordinator will work with your family to conduct regular video conferences at mutually agreed upon times.

As issues arise, you may have an additional video conference scheduled and attended by the attorney.

### Example Work Cycle

	<b>A Group</b>	<b>B Group</b>
<b>Week 1</b>	Prep Work	Video Conference
<b>Week 2</b>		Prep Work
<b>Week 3</b>	Video Conference	

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# SETTLEMENT VIDEO CONFERENCES

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**For Settlement Video Conferences:**

*Zoom information is provided automatically via email  
upon scheduling of appointment*

**There will be no operator, so simply announce yourself upon your arrival. You will be welcomed and the Settlement Coordinator will moderate the video conference.**

**If the video conference is recorded, after a brief delay, the moderator will announce that recording has begun.**



## **TAB 8**

### **Empowered Inheritance Program™**

- 1. The Empowered Inheritance Navigator™**
- 2. Beneficiary Discovery Dialogue**
- 3. Helper/Beneficiary Commitments**
- 4. Helper/Beneficiary Roles in Settlement**
- 5. Transition Talk Focuser™**
- 6. Empowered Inheritance Program™ Fees**
- 7. Inheritance Coordination Program™**

# The Empowered Inheritance Navigator™

Proactive  
Preparation  
Opportunity™

Family  
Review  
Session™

Empowered  
Legacy  
Session™

Family Legacy  
Family Education  
Program™  
Overview  
(Nuts & Bolts I)

Family Legacy  
Learning  
Solution™  
Programming

Financial  
Wealth  
Reception™  
Process

Beneficiary  
Discovery  
Dialogue™ /  
Commitment  
Conversation™

Maximizing  
Your  
Inheritance  
(Nuts & Bolts IV)

Empowered  
Inheritance  
Session™

Beneficiary  
Financial Strategy  
Session™/  
Funding Forum™

E  
I  
P

( Empowered Inheritance Program™)





# Family Helper/Beneficiary Discovery Dialogue™

(Please Print)

Date Completed: \_\_\_\_\_

## YOUR INFORMATION

Full Legal Name \_\_\_\_\_

How you normally sign your name (Print): \_\_\_\_\_

Nickname \_\_\_\_\_ Birth date \_\_\_\_\_ Social Security Number \_\_\_\_\_

Home address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Main telephone ( \_\_\_\_\_ ) \_\_\_\_\_ County of Residence \_\_\_\_\_

Employer \_\_\_\_\_ Position \_\_\_\_\_ Business Telephone ( \_\_\_\_\_ ) \_\_\_\_\_

Business address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail \_\_\_\_\_

☐ Married: Date \_\_\_\_\_ ☐ Divorced: Date \_\_\_\_\_ ☐ Widowed: Date \_\_\_\_\_ ☐ Single

☐ Veteran ☐ Widow of a Veteran

### **Your Spouse/Partner**

Full Legal Name \_\_\_\_\_

How you normally sign your name (Print) \_\_\_\_\_

Nickname \_\_\_\_\_

Main telephone ( \_\_\_\_\_ ) \_\_\_\_\_ Email \_\_\_\_\_

☐ Veteran ☐ Widow of a Veteran

# YOUR CHILDREN'S INFORMATION

## Child # 1

Child's Full Legal Name\_\_\_\_\_

Nickname\_\_\_\_\_ Birth date\_\_\_\_\_ Social Security Number\_\_\_\_\_

Home address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

Main telephone (\_\_\_\_) \_\_\_\_\_ County of Residence\_\_\_\_\_

Employer\_\_\_\_\_ Occupation\_\_\_\_\_ Education\_\_\_\_\_

Business address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

Special Needs (Mark any that apply)    ☐ Medical    ☐ Educational    ☐ Financial

☐ Married    ☐ Divorced    ☐ Widowed    ☐ Single    Spouse's Name: \_\_\_\_\_

Grandchildren's Names	Parents	Ages	Special Needs
_____	_____	_____	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>

*(Copy this page for additional children, as needed)*

## **“APPROPRIATE ASSISTANCE”**

Experience/Comfort Level with:	Least .... Most				
Investment Planning	1	2	3	4	5
Insurance Planning	1	2	3	4	5
Tax Planning	1	2	3	4	5
Estate Planning	1	2	3	4	5

## **FINANCIAL BACKGROUND INFORMATION**

Do you currently have a Financial Advisor? YES ☐ NO ☐

If yes,

What is the name of your Financial Advisor? \_\_\_\_\_

Contact Information?

\_\_\_\_\_  
\_\_\_\_\_

Do you have your own Estate Plan? If so, what type of plan?

- ☐ Will
- ☐ Will/Testamentary Trust
- ☐ Revocable Living Trust

What is the approximate size of your estate (excluding the expected inheritance)? \_\_\_\_\_

In the event of your disability or death, who would you name as your successor trustee(s)?

Disability Trustee: \_\_\_\_\_

Death Trustee: \_\_\_\_\_

# INHERITANCE PLANS

What are your plans for your inheritance? Please check all that apply.

## **Save For**

- ☐ Retirement
- ☐ College Expenses
- ☐ Other\_\_\_\_\_

## **Pay Off**

- ☐ Student Loans
- ☐ Credit Card Debt
- ☐ Auto Loan
- ☐ Mortgage
- ☐ Business Debt
- ☐ Other\_\_\_\_\_

## **Purchase**

- ☐ Travel
- ☐ Fund Hobbies
- ☐ New Vehicle
- ☐ Real Estate
- ☐ Home Improvements
- ☐ Life Insurance
- ☐ Investments
- ☐ Investment in a Small Business
- ☐ Other\_\_\_\_\_

## **Give**

- ☐ Charitable Giving
- ☐ Personal Gifts
- ☐ Future Inheritance for My Children
- ☐ Other\_\_\_\_\_

# ESTATE PLANNING GOALS

<u>PLANNING ISSUE</u>	<u>IMPORTANCE</u> Least . . . . Most				
<b>Retaining Control During Lifetime</b>	1	2	3	4	5
<b>Planning for Incapacity</b>					
Financial Management	1	2	3	4	5
Health Care Decisions	1	2	3	4	5
<b>Avoiding Death Probate</b>					
Cost	1	2	3	4	5
Delay	1	2	3	4	5
Complication	1	2	3	4	5
Publicity	1	2	3	4	5
<b>Spousal Protection</b>					
Catastrophic Creditor Protection	1	2	3	4	5
Medicaid Protection	1	2	3	4	5
Investment Assistance	1	2	3	4	5
Remarriage Protection	1	2	3	4	5
<b>Estate Tax Planning</b>	1	2	3	4	5

**PLANNING ISSUE****IMPORTANCE**

Least . . . . Most

1 2 3 4 5

**Keeping Assets in the Bloodline****Planning for Minor (Grand)children**

1 2 3 4 5

**Planning for Beneficiary's "Special Needs"**

1 2 3 4 5

**Planning for Adult Children**

Investment Assistance

1 2 3 4 5

Tax &amp; Administrative Assistance

1 2 3 4 5

Divorce Protection

1 2 3 4 5

Catastrophic Creditor Protection

1 2 3 4 5

Medicaid Protection

1 2 3 4 5

**Special Bequests to Individuals**

Monetary

1 2 3 4 5

Property (Business, Farm, etc.)

1 2 3 4 5

Personal Effects

1 2 3 4 5

**Special Bequests to Charitable Organizations**

1 2 3 4 5

**Other Special Concerns? (Please Indicate)**\_\_\_\_\_**PLEASE REVIEW AND LIST TOP 3 GOALS IN ORDER OF IMPORTANCE TO YOU**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

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*Law Firm Team Member*

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*Date*

## Helper and Beneficiary Commitments™

<i>ROLE</i>	<i>Helper</i>	<i>Beneficiary</i>
Keep Law Firm Current with Your Contact Information		
Attend Nuts & Bolts I™ as Instructed Every 5 Years		
Attend Empowered Legacy Session™		
Discuss with Client and Beneficiaries:		
• Special Stuff™		
• Health Care Wishes™		
• Guardian/Trustee Instructions		
• Final Arrangements		
Learn Asset Review Report™ & Estate Planning Review Worksheet™		
Communicate Change in Client's Health		
Know DocuBank™ "Code"		
Review Settlement Commitment Clarifier™		
Complete Beneficiary Discovery Dialogue™		
Review Nuts & Bolts IV™ ("Maximizing Your Inheritance")		
Review Settlement Commitment Clarifier™		
Complete Helper/Beneficiary Discovery Dialogue™		
Review Empowering Your Inheritance™		



# Successor Trustee and Beneficiary Roles in Settlement

## Successor Trustee

## Beneficiary

Notification  
Teleconference

- Common Concerns Do's & Don'ts
- Settlement Commitment Clarifier™
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Settlement  
Counselling  
Session™

- Engagement Letter

Valuation Progress  
Conference  
Reporting System™

- Nuts N Bolts IV™ Webinar

Transition Talk™

- Legal Decisions

Empowered  
Inheritance  
Session™

- Trust Reception Decisions
- Empowered Inheritance Program™ Engagement Letter
- Empowered Inheritance Session

Funding Progress  
Conference Reporting  
System™

- Wealth Reception Portfolio™

LAST Meeting™

- Estate Closing

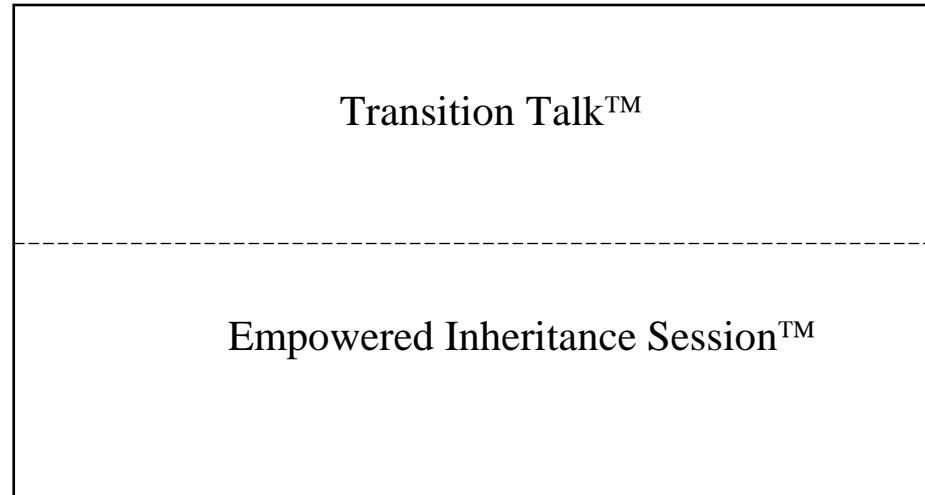
- Beneficiary Year-in-Review Calendar

# The Transition Talk Focuser™ (Empowered Inheritance)

## Trustee

### Legal Decisions

- Disclaimers
- Distribution
  - Elections
  - Options
  - Division



## Beneficiary

- Education
- Counselling & Design
- Appoint Distribution Co-Trustee
- Review & Sign Maintenance & Education Agreement

# Empowered Inheritance Program™

## Proactive Preparation Opportunity™

### Financial Wealth Reception™ Process

**Administrative  
Trust**

Enrollment  
\$995/Beneficiary

Counselling Review  
(If Required)                      \$500/ Beneficiary

Inherited  
Trusts

**Beneficiary  
1**

**Beneficiary  
2**

**Beneficiary  
3**

Membership Fee (Optional)	\$295	\$295	\$295
------------------------------	-------	-------	-------

Distribution Adviser (Required)	\$200	\$200	\$200
------------------------------------	-------	-------	-------

Annual	<u>\$495</u>	<u>\$495</u>	<u>\$495</u>
--------	--------------	--------------	--------------

# Inheritance Coordination Program™ (Coordinating Your Inheritance)

1

**Your Own Trust  
(or Will)**

**Power of Appointment**



**Your Own Beneficiaries**

2

**Inherited  
Trust**

- **Use Power of Appointment to Direct Assets**
- **Updated by Trust Protector**





## **TAB 9**

### **The Family Legacy Planning Process™**

- 1. The Family Legacy Circle™**
- 2. Definition of Estate Planning**
- 3. Family Legacy Planning Pyramid™**
- 4. The Empowered Estate Plan™**
- 5. Definition of Wealth Reception™**
- 6. The Wisdom W™**
- 7. Family Legacy Family Plan Development Navigator™**
- 8. Empowered Legacy Program™**
- 9. Family Legacy Transfer Process Navigator™**
- 10. Family Legacy Investment Selector™ / Practice Evolver™**
- 11. Family Legacy Investment Summary™**

# LifeSpan of Plans that Work™

## Empowered Design Program™



# **The Definition of Estate Planning**

**I Want to Control My Property While I'm Alive  
and Well;**

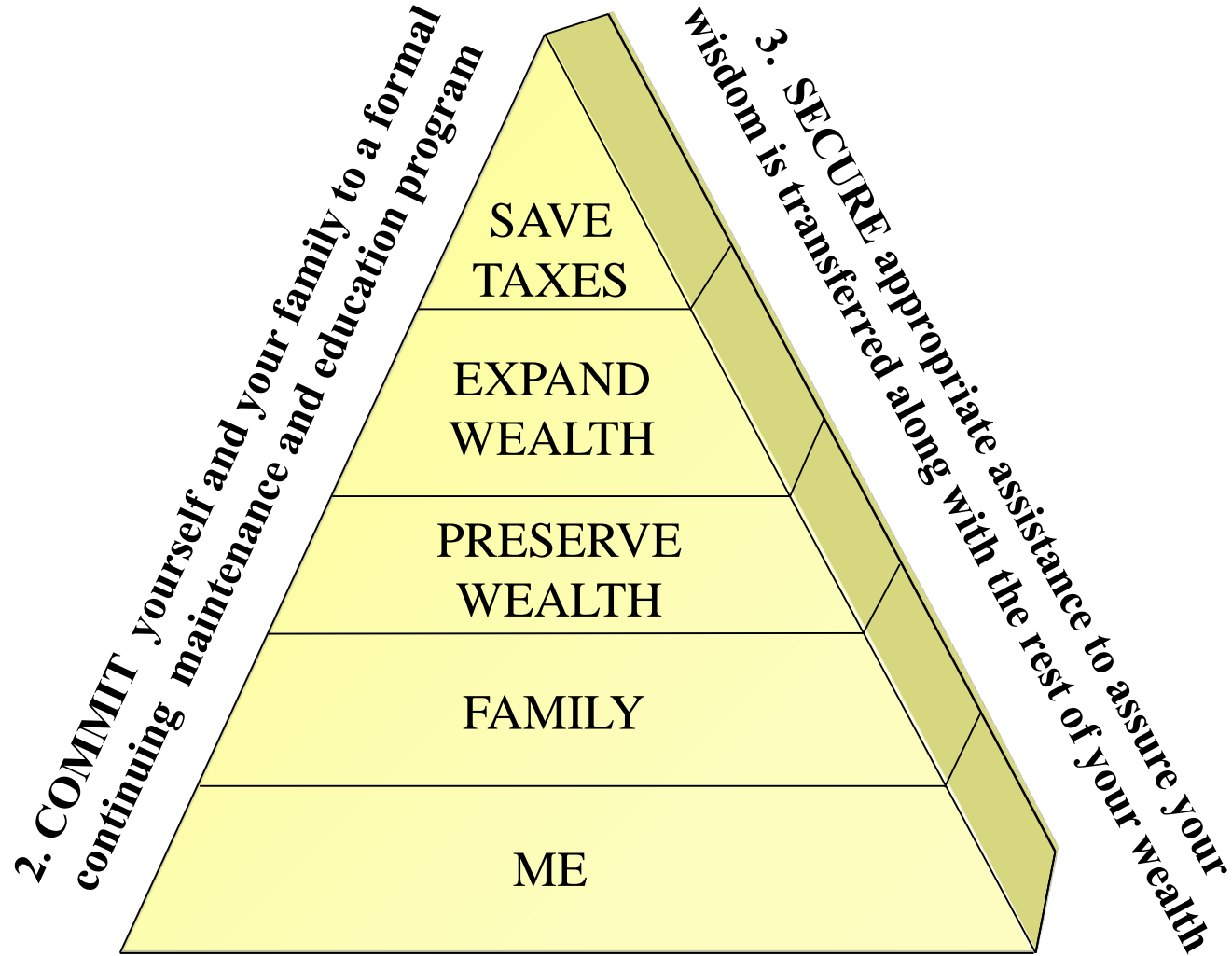
**Plan for Me and My Loved Ones if I Become  
Disabled;**

**Then Give What I Have:**

- **To Whom I Want,**
- **When I Want, and**
- **The Way I Want;**

**All While Assuring That My Wisdom is  
Transferred Along with the Rest Of My Wealth.**

# The Family Legacy™ Planning Pyramid



**1. DEVELOP** your plan with counselling-oriented planning partners



# The Empowered Estate Plan™

- DEVELOP Your Plan with Counselling  
Oriented Planning Partners  
*(Empowered Design Program™)*
- COMMIT Yourself and Your Family to a Formal Continuing  
Maintenance and Education Program  
*(Empowered Legacy Program™)*
- SECURE Appropriate Assistance for You  
and Your Family to Transfer Your  
Wisdom Along With the Rest of Your Wealth  
*(Empowered Inheritance Program™)*

# **The Definition of Wealth Reception Planning™**

**A formal process designed to assure you and your loved ones that your True Wealth (both financial and non-financial) is fully realized, efficiently transferred and effectively received.**

# The Family Legacy Planning Process™



*The Process Produces the Results™*

## **The Family Legacy Planning Process™**

*The process produces the results™*

Edward S. Clay, P.A.. (the Firm) and Client each enter The Family Legacy Planning Process™, a professional relationship in which we make mutual commitments to develop, maintain and carry out a plan that will accomplish all of Client's estate planning goals. The Firm is committed to providing caring, efficient and effective services and Client is committed to actively participating in the process.

We agree to work systematically and proactively through the following seven stages:

### **1. RELATIONSHIP EXPLORATION APPROACH™**

*Truth About Estate Planning™ Experience*

*Discovery Dialogue™*

*Commitment Conversation™*

We are committed to a mutually beneficial relationship. Ours begins with education, exchange of information, and reasonable opportunity to explore the services offered and the mutual commitments that would be required. All fees are discussed, disclosed and agreed upon before any work is begun by the firm. In this way, the Client always knows the focus is fully upon achieving client goals.

### **2. CO-CREATIVE COUNSELLING EXPERIENCE™**

*Counselling and Design™*

*Counselling and Review™*

*Family Counselling Review™*

We are committed to a plan that will accomplish Client's goals and objectives, developed after eliminating limiting assumptions. The Firm provides creative legal counsel and Client engages in thoughtful decision-making to co-create a personally tailored estate plan. The Firm provides and

explains the legal documents to implement the plan. The Firm also provides an opportunity for Client's Family to review the newly-created plan.

### **3. FINANCIAL INTEGRATION FORMULA™**

*Financial Strategies Session™*

*Funding Forum™*

*Red Check Review System™*

We are committed to planning that will protect all of Client's estate: a fully-funded plan. The Firm assists Client in appropriate re-titling of assets as necessary to coordinate them with the plan to accomplish Client's goals. This involves an initial funding plan co-created by the Firm and the Client after considering tax and other planning issues, and ongoing assistance until the plan has carried out Client's goals. To that end, Firm assists Client families with adjustments made necessary by changing personal and financial circumstances. The Firm guides and assists Client to obtain ongoing written verification of full funding at all stages of planning.

### **4. CONTINUOUS COMMITMENT COMPACT™**

*Empowered Legacy Session™*

*Family Legacy Annual Family Reunion™*

*Family Legacy Client Update Program™*

*Family Legacy Client Family Organizer™*

*Essential Elements™*

*PROActive Elder Law™*

*Special Delivery Service™*

*Survivor Support System™*

We are committed to maintaining and updating the estate plan over the rest of the time we have together. The Firm equips Client with the Family Legacy Client Family Organizer™ (including tools, policies and procedures) to aid Client in the ongoing operation of the estate plan.

The Firm provides Client with documents to communicate to their loved ones their very personal wishes (health and personal care, memorial instructions, care of/guidance for beneficiaries).

The Firm empowers and encourages the Client in the lifelong process of transferring a complete legacy: wisdom, stories, faith, values, possessions of emotional significance, and final wishes to be fulfilled.

Continuous plan updating is accomplished through annual meetings and biennial small group sessions. If the Client can no longer effectively participate in these sessions, the Firm custom-designs a solution with Client's family so that these mutual commitments may continue to be met. To accommodate mobility issues, the Firm will coordinate Special Delivery Service™ by arrangement.

We communicate to families the Essential Elements of Plans That Work. Client Families should be familiar with using the Estate Planning Review Worksheet as an executive summary of the planning documents as well as a means of communicating updates. Additionally, Client Families should be familiar with the "100% Verified Funded" score as reflected on Client's Asset Review Report. The Firm encourages families to become familiar with personalized instructions designed by the Client and to attend additional counselling as necessary.

In the event of a disability, formal or informal, the Firm assists the Client Family in empowering Client's planning goals with respect to both financial and health care management. The Firm will provide resources for accessing local care and support services and, upon request, will investigate planning options for payment of Long Term Care. During a period of disability, the Firm will use the Trust Protector position to maintain the Client's trust, according to the Client's intent.

## **5. FAMILY LEGACY LEARNING SOLUTION™**

*Family Education Program™*

*Bridge Builder Program™*

*Technical Training Program™*

*Community Builder*

*Empowered Legacy Session™*

We are committed to lifelong learning as it relates to accomplishing Client's estate planning goals. The Firm will continue to learn about developing laws, processes and strategies that may affect Client's estate plan and goals. The Firm will organize and provide educational and relationship building events to help Client, Client's family and Client's advisors accomplish Client's estate planning goals. Client will make diligent efforts to participate and encourage active participation by their family and advisors. This

participation begins with an Empowered Legacy Session™ which serves as an orientation meeting for how Firm and Client work together to maintain Client's plan.

## **6. SETTLEMENT SECURITY SYSTEM™**

*Transfer Process Navigator™*

*Enhanced Settlement Program™*

*Survivor Support System™*

We are committed to securing the benefits of Client's estate plan. The Firm offers services that will be needed by Client's Helpers and family at the times of Client's disability and/or death. Two important goals are to be accomplished: better results and lower costs. Client's assets should pass to their loved ones in the way Client hoped, and the cost of carrying out the plan should be lower than prevailing rates. In addition, Clients may choose to pursue our Enhanced Settlement Program™ so that the beneficiary is prepared to receive the inheritance with increased education and further along in the grieving process.

We will support surviving spouses after the initial settlement of their late Spouse's plan and throughout the rest of the Survivor's lifetime by creating programming specifically geared toward Clients who are maintaining their own plans and utilizing their own inheritance left by the late Spouse. Survivor Support System programs will include support for maintaining independence and gaining confidence in how to involve adult children at an appropriate level.

## **7. WEALTH RECEPTION PLANNING™ SUPPORT**

*Enhanced Settlement Program™*

*Empowered Inheritance Program™*

We are committed to assisting in achieving the Client's long-term goals, particularly the ongoing benefits and protections that beneficiaries can realize. The Firm offers our Empowered Inheritance Program™ for those receiving their inheritance in Protective "School Bus" trusts. This program helps keep the irrevocable Inherited Trust current over the years so that the goal of increased creditor and predator protection can be more dependably achieved. In addition, the beneficiary continues to receive value from any special transfer of "wisdom" made by the Client through special instructions.

# The Family Legacy Family Plan Development Navigator™

The Relationship Exploration Approach™

The Truth About Estate Planning™  
Experience  
  
Date \_\_\_\_\_



The Discovery Dialogue™  
  
Date(s) \_\_\_\_\_

The Commitment Conversation™  
  
\_\_\_\_\_

The Co-Creative Counselling Experience™



The Counselling and Design Session™  
  
Date \_\_\_\_\_

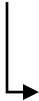


The Counselling and Review Session™  
  
Date \_\_\_\_\_



The Family Review Session™  
  
Date \_\_\_\_\_

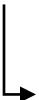
The Financial Integration Formula™



The Financial Strategy Session™  
  
Date \_\_\_\_\_



The Funding Forum™  
  
Date \_\_\_\_\_

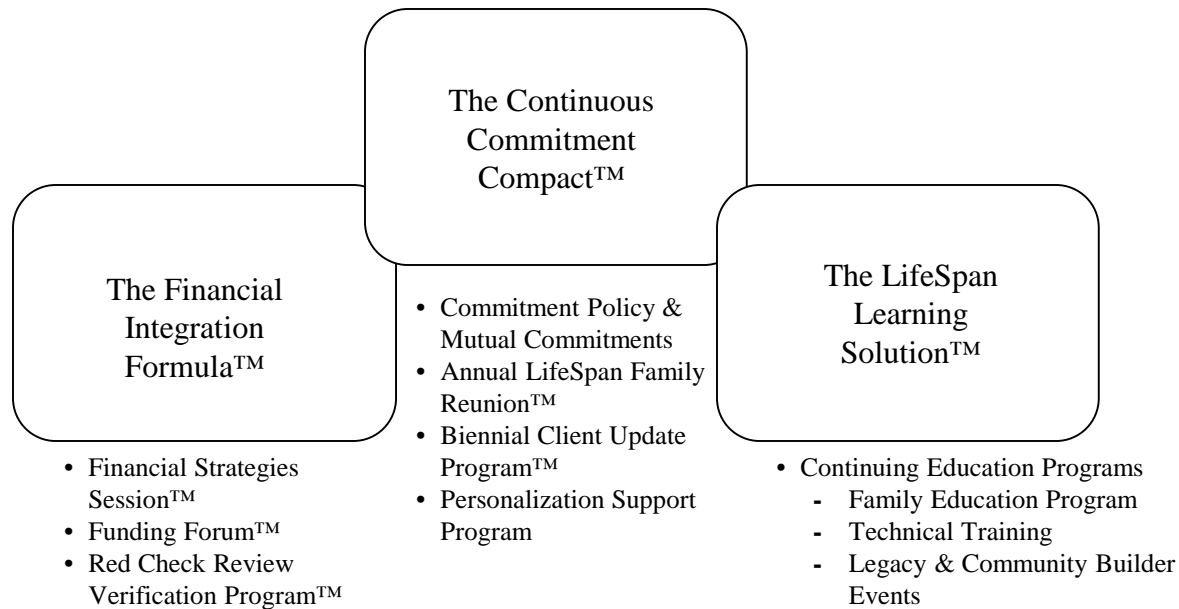


The Empowered Legacy Session™  
  
Date \_\_\_\_\_





# The Family Legacy Empowered Legacy Program™



## Specialty Programs

### Special Delivery Service™

- Physical Decline
- Physical Location

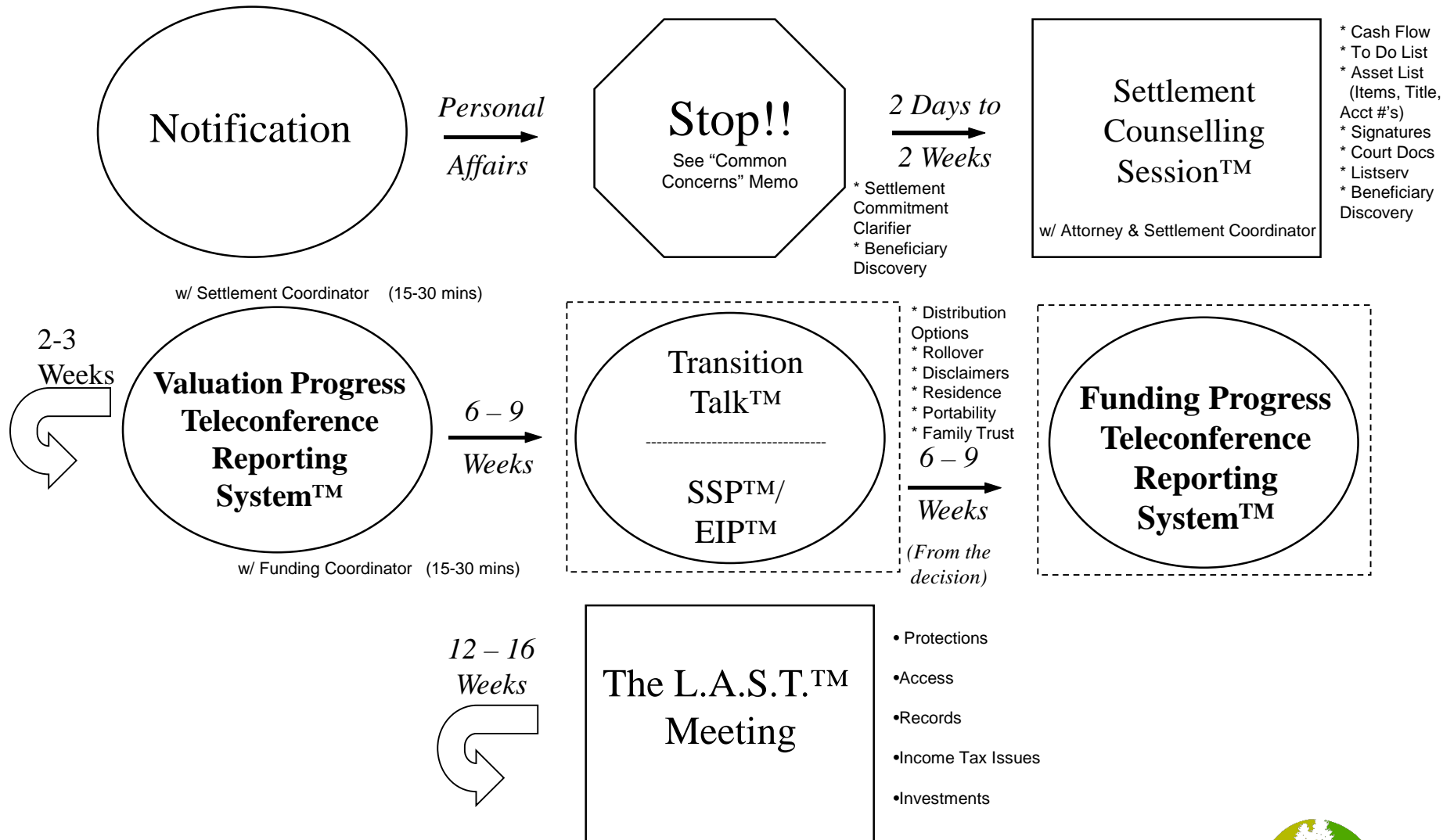
### PROActive Elder Law Program™

- Special Delivery Service™
  - (Physical and/or Mental Decline)
- Disability Settlement Security System™
- Family Asset Protection Program™
- Life Care Planning

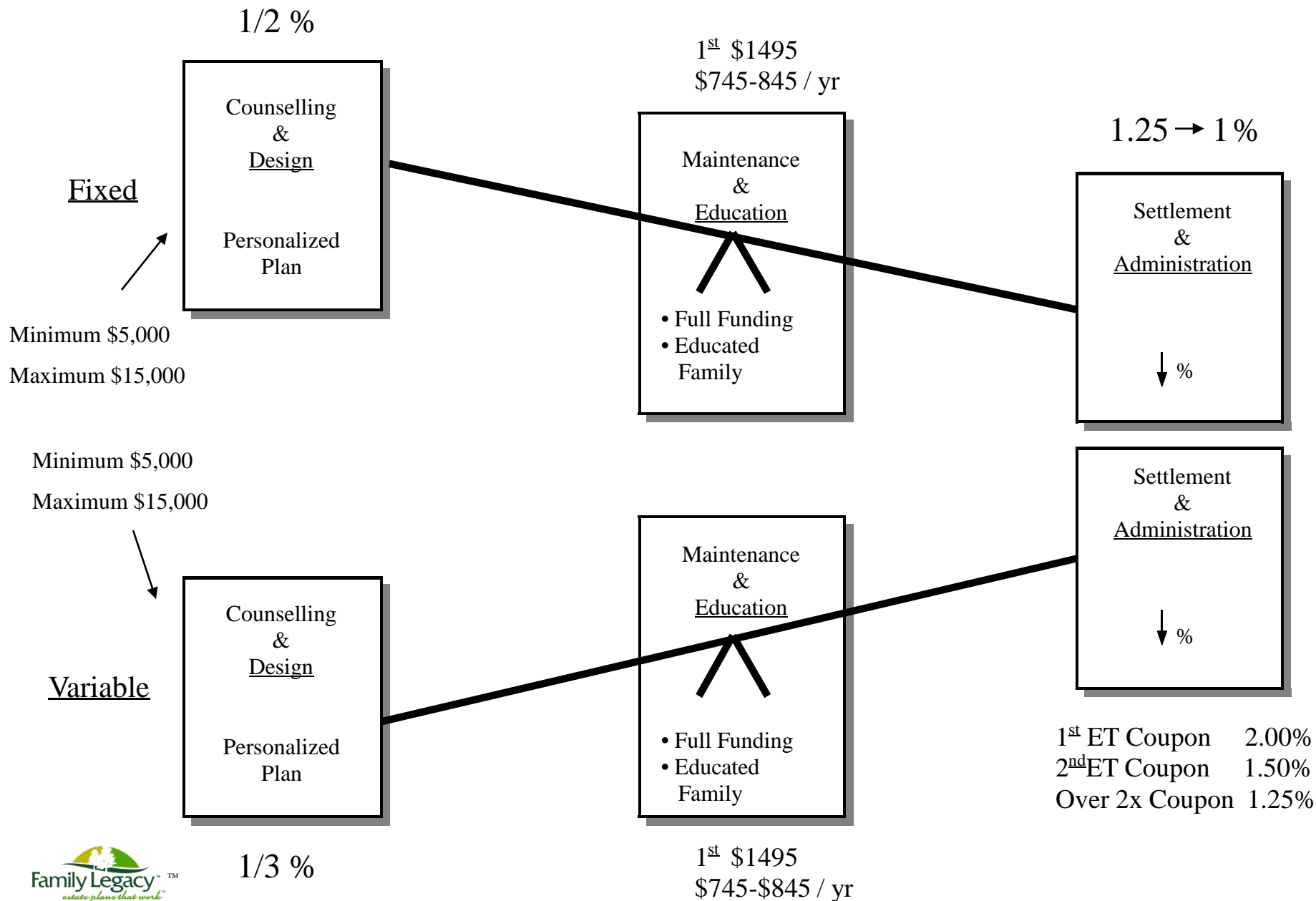
### Survivor Support Program™

- Double Asset Review Report Service
- Trust Protector Support for Testamentary Trust

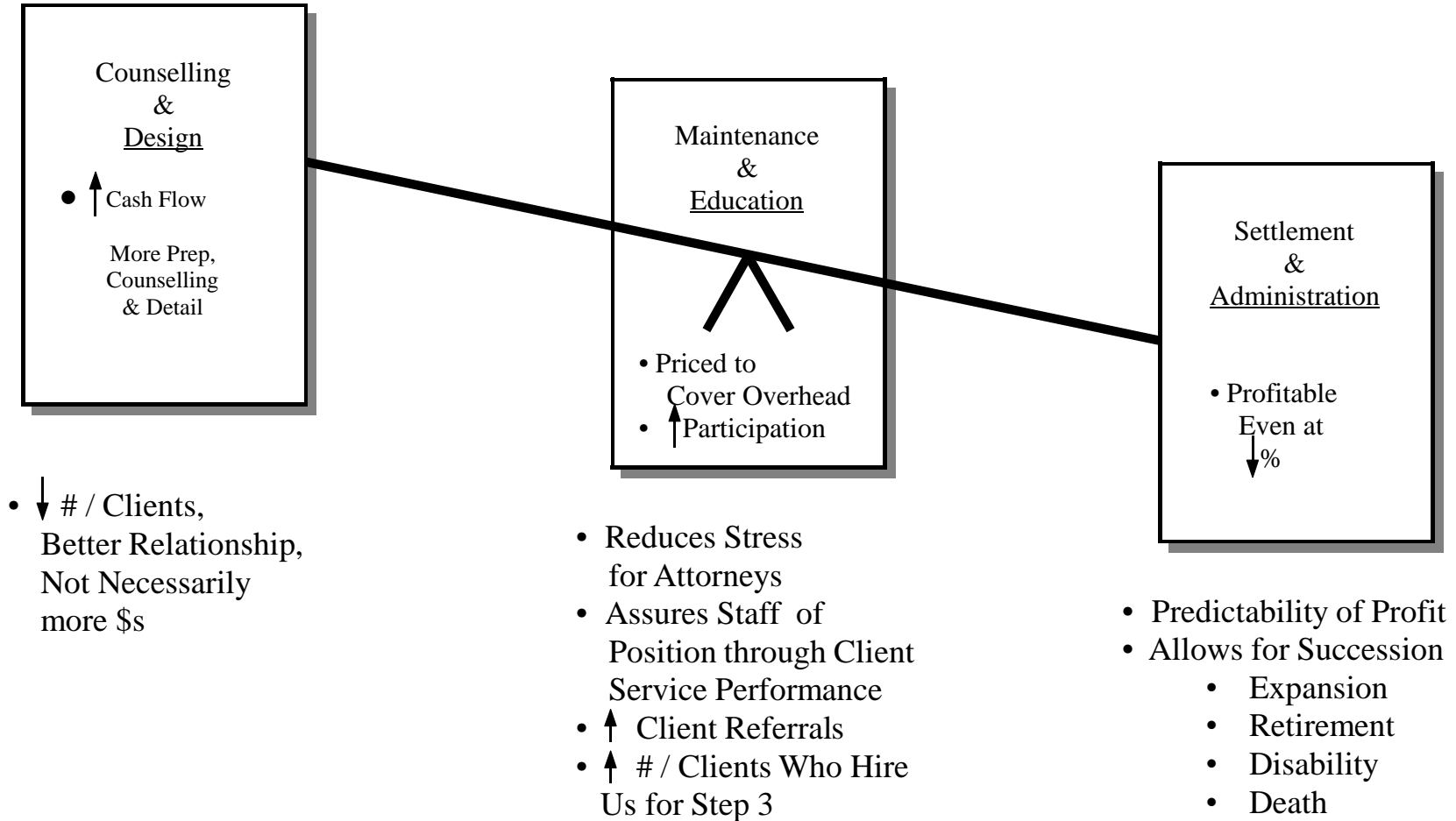
# The Family Legacy Transfer Process Navigator™



# The Investment Selector™



# The Practice Evolver™



## *INVESTMENT SUMMARY*

Estate Plan prepared for: **William and Mary Sample**

Date: **March 15, 2023**

### **Counselling and Design Services:**

**\$Quoted Fee**

- Counselling and Design Session
- Counselling and Review Session

Preparation, Counselling, Custom Design, Drafting and Explanation of Foundation (Basic) Estate Plan:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Living Trusts</li> <li>• Pour-Over Wills</li> <li>• Maryland Advance Directives<br/>(with HIPAA provisions)</li> </ul> | <ul style="list-style-type: none"> <li>• Privacy Affidavits</li> <li>• Durable Powers of Attorney</li> <li>• Purposeful Planning Insertions</li> </ul> |
|---|--|

### **Maintenance and Education Services\*:**

**First Year: \$1,495.00**

*Beginning in 2024\*\**

**Annual \$745.00**

- Funding Support System
- Estate Planning Support System

• Survivor Support Program (If Needed)	<b>Annual</b>	<b>\$745.00</b>
--	---------------	-----------------

(As Needed/Requested) Personal Counselling Review & Funding Audit***	<b>Annual</b>	<b>\$750.00</b>
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\*Full details are provided in separate Member Agreement and Curriculum.

\*\*Annual participation will be renewed automatically on January 1<sup>st</sup> of each year for a fixed fee (Currently \$745.00). Client may terminate ongoing services at any point. Upon disability, successor trustees may continue services at the same rates by signing a continuation agreement.

Note: Advanced Planning Services **are not included** in the above fees. Advanced estate planning services will be discussed at a future meeting. A project fee will be quoted at that time.

\*\*\*Client may at any time request a personal counselling review (PCR) to review the estate plan.

The following services are available to our clients. Successor Trustees make the decision to hire our firm upon the disability or death of a trustmaker. **IF USED**, Edward S. Clay, P.A. agrees in advance to the following fee arrangements for annual members:

**Settlement and Administration Services:**

Counselling, Explanation of Estate Plan, and Task Assistance.

- ***Disability***  
Fixed fee (currently \$1,495)
- ***Death***

<u><b>Fixed Fee Option</b></u>	<u><b>Variable Fee Option</b></u>
-- Spread the will of record	-- Spread the will of record
-- Apply for tax identification numbers	-- Apply for tax identification numbers
-- Initial settlement meeting	-- Initial settlement meeting
-- Explanatory letter to beneficiaries	-- Explanatory letter to beneficiaries
-- Transition conference with CPA	-- Transition conference with CPA
-- Settlement (asset transfer) assistance	-- Settlement (asset transfer) assistance
-- Instruction letters	-- Instruction letters
-- Specific bequest letters	-- Specific bequest letters
Billed at a Fixed Percentage of Gross Estate: 1.25% *1% if helpers attend training every 5 yrs* (subject to a \$7,000 minimum)	Billed at a Variable Percentage of Gross Estate: first Estate Tax Coupon at time of death 2.00% next Estate Tax Coupon at time of death 1.50% > 2x Estate Tax Coupon at time of death 1.25% (subject to a \$8,000 minimum) MD Estate Tax Coupon in 2023 is \$5 million
-- <b>Death Tax Return Preparation</b> Included in above fee schedule	-- <b>Death Tax Return Preparation</b> Included in above fee schedule.
-- <b>Probate Services</b> (More than \$10,000 in probate assets) Billed at our then current fee schedule (3%). (Subject to \$1,500 minimum)	-- <b>Small Estate Probate Filing</b> (Less than \$10,000 in probate assets) Fixed fee (currently \$795)

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EDWARD S. CLAY, P.A.  
By: Edward S. Clay

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WILLIAM SAMPLE

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MARY SAMPLE



## **TAB 10**

### **Counselling Tools**

- 1. The Personal Protections Planner<sup>TM</sup>**
- 2. The Disability Determination Developer<sup>TM</sup>**
- 3. The Retirement Distribution Primer<sup>TM</sup>**
- 4. The Three Doors<sup>TM</sup>**



## **The Personal Protections Planner<sup>TM</sup>**



**EDWARD S CLAY PA**  
LAW OFFICES

**1300 York Road, Suite 120  
Lutherville MD 21093-6000**

**Phone: 410.296.3358**

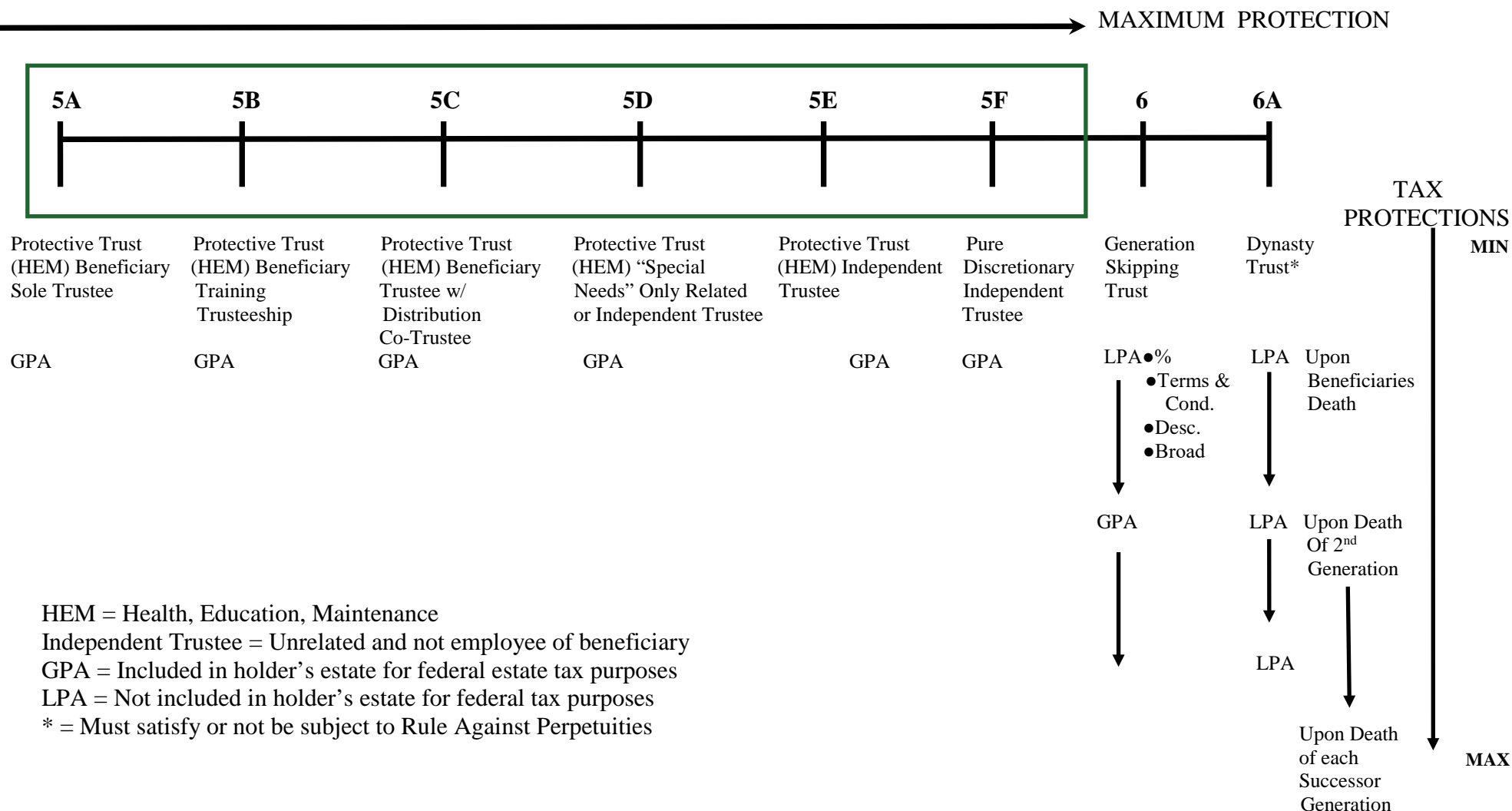
**Fax: 410.296.2658**



Edward S. Clay, P.A.

## TRUST PROTECTIONS EXTENDER™

### PERSONAL PROTECTIONS



# The Personal Protection Planner™

This planner summarizes the key elements in determining how best to leave an inheritance to loved ones. Traditionally, most people have left property to their loved ones outright, without thought as to how they might maximize the benefits available to them. With counselling, clients become aware they have far greater ability to benefit their loved ones through trust planning. Chief among these benefits are potential catastrophic creditor, divorce and illness protections. Clients may also provide personal instructions and directions for their loved ones, choosing to make them either binding or non-binding. The “appropriate” inheritance design essentially involves the Trustmaker’s judgment as to the balance between control and protection of the inherited property provided to the beneficiary. We have developed five counselling tools to assist clients and their families through the inheritance design process.

## The Two Way Street™

The Two Way Street™ captures the thought process most clients and families navigate to make a comfortable decision about how to provide an inheritance to loved ones. This counselling tool contrasts the degree of access and control by the beneficiary with the strength of protection provided. It captures our experience that clients typically focus on only one issue at a time when designing their plan. We usually find that clients begin the counselling process *assuming* they will make outright distributions to their loved ones. Interest and comfort level with trust planning results when clients learn about the potential protections available through inheritance in trust. The Trustmaker’s comfort level translates to the beneficiary, however, only with direct involvement of the beneficiary in the education process. The Two Way Street™ helps clients embrace the notion that planning is a *process*, and that the best results come from participation by the entire family.

## The Trust Protections Spectrum™

The Trust Protections Spectrum™ is the most straightforward legal counselling tool. It allows direct evaluation of various trust designs from the standpoint of both beneficiary access/control and strength of protection simultaneously. Counsel uses this tool to describe how each possible design works from the standpoint of each of the three major potential additional protections (catastrophic creditor, illness and divorce) as well as the rights of the beneficiary in each setting. Its focus is on the direct *access* the beneficiary has to trust assets. The law is fairly well settled in most states that protection from outside “predators and creditors” is negatively affected if the beneficiary can force or overly influence the decision to distribute assets to him or herself.

## The Trusteeship Protections Extender™

This counselling tool allows the Trustmaker to explore how various trustee selections impact the strength of protection provided to a beneficiary, particularly with regard to catastrophic creditor protection. Generally, the more trusteeship participation the beneficiary undertakes, the less the creditor protection will result. Indeed, in some states, the beneficiary/trustee format cannot be pursued at all without significantly increasing the

risk of a court finding that the assets in the trust are reachable by creditors. Without question, the safest course from the pure creditor protection standpoint is to name an independent trustee. That said, many Trustmakers are very reluctant to require that much loss of control on the part of their intended beneficiaries to obtain a higher degree of protection.

The Extender™ also helps Trustmakers think through situations where control is gradually shifted to the beneficiary involved (often in a “Training Trusteeship” format designed for minors). In addition, in circumstances where qualification for governmental benefits is of importance, the trusteeship issues are affected.

### **The Trusteeship Customizer™**

This counselling tool allows the Trustmaker and family members to understand how *practical control* can be provided to loved ones while maximizing the personal protections available to them. It emphasizes that the trusteeship design decisions are available to the *individual* beneficiary, and not dictated by the original Trustmaker. In this way, each beneficiary can meet their own needs for control and appropriate assistance.

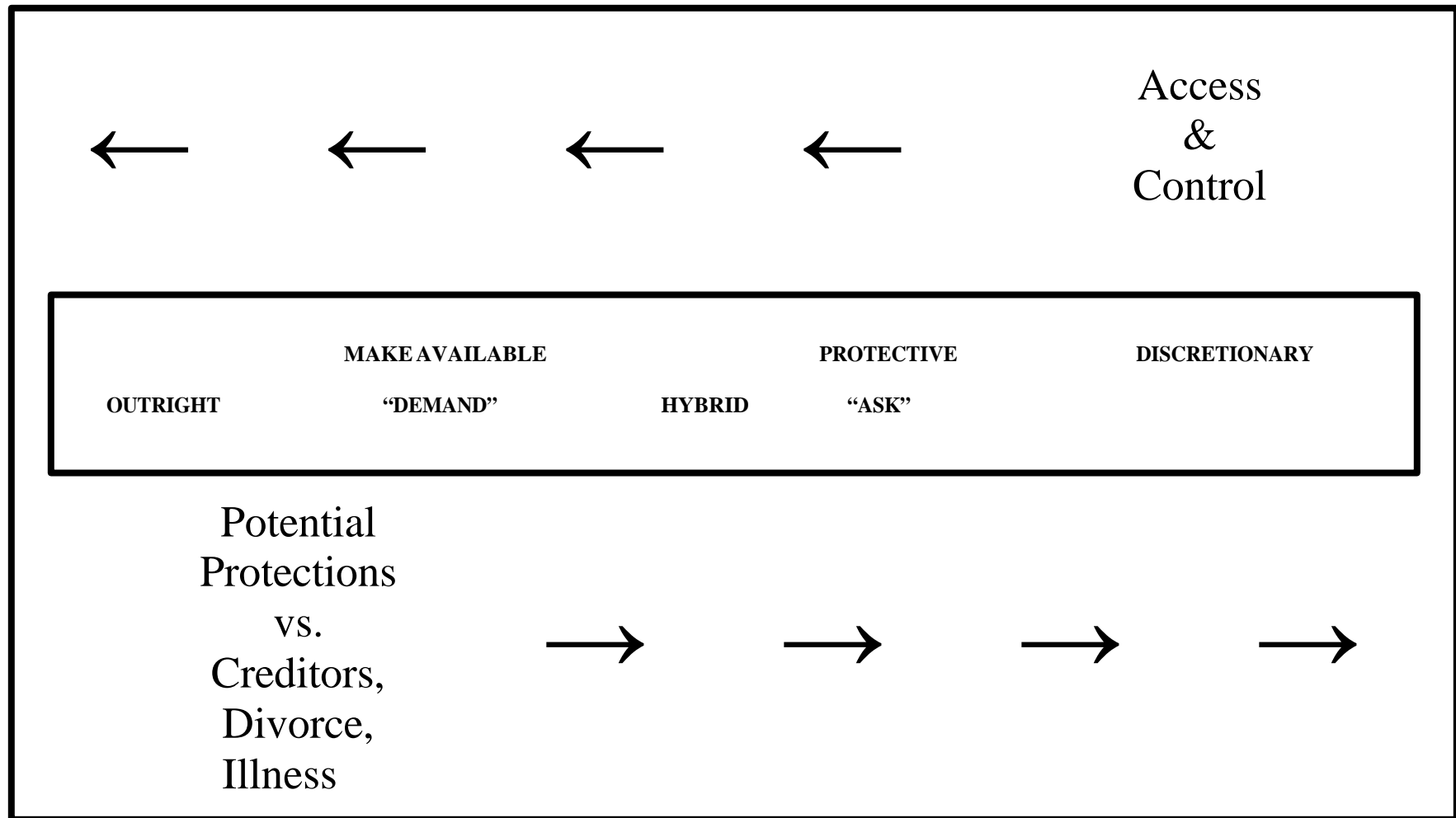
If the Trustmaker so provides, beneficiaries may choose to select the level of Cotrustee authority and assistance. In essence, the concept is what we call a “divided trusteeship.” Although most Trustmakers provide that distribution authority must be shared (primarily in order to increase catastrophic creditor protection) the beneficiary is often granted the authority to utilize formal Cotrustee assistance for administration and investment matters. Administration involves keeping trust records and filing necessary tax returns, while investment authority means just what the name implies. In our experience, it is common for beneficiaries to retain investment control, but work closely with private investment advisors with regard to investment policy and planning implementation.

### **The Trust Share Control Continuum™**

The Trust Share Control Continuum™ involves a final element of potential control a beneficiary may enjoy, that of removal and replacement of named trustees. As each issue reveals, the more control the beneficiary enjoys the less certain the creditor protection becomes in the event of challenge. This counselling tool helps Trustmakers think through gradual shifts of control (often pursued with minors) as well as more difficult circumstances where the Trustmaker believes beneficiary should not be granted the right to indirectly “control” the trust share through hiring and firing trustees or Cotrustees.

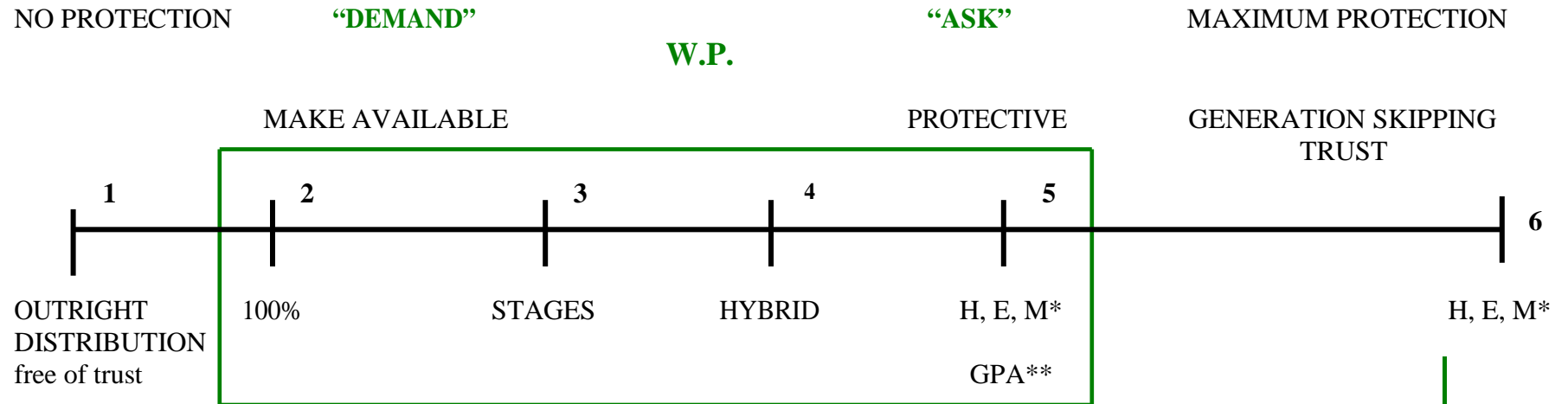
Many families address control concerns by providing guidance through letters of instruction regarding various issues of concern. (In some states, such letters risk creditor protection more than in others). In addition, providing the beneficiary with investment, tax and other professional assistance sometimes helps the Trustmaker design a more liberal trustee removal/replacement power than would otherwise be provided.

# TWO WAY STREET™



Edward S. Clay, P.A.

## TRUST PROTECTIONS SPECTRUM™



### POTENTIAL ADDITIONAL PROTECTIONS:

- 1) Divorce
- 2) Catastrophic Creditors
- 3) Catastrophic Illness

\* IRS APPROVED  
ASCERTAINABLE STANDARDS  
OF DISTRIBUTION FOR  
BENEFICIARIES' NEEDS =  
"H,E,M" (HEALTH, EDUCATION, &  
MAINTENANCE)

\*\*GPA  
HOLDER HAS COMPLETE  
DISTRIBUTION CONTROL  
ON DEATH AND VALUE  
IS INCLUDED IN THE HOLDER'S  
ESTATE FOR FEDERAL TAX  
PURPOSES

To Grandkids  
w/o  
F.E.T.

1. Bloodline Protection
2. F.E.T. Planning
3. State Inheritance Tax Planning

# The Trusteeship Customizer™

Per the:  
The Trust  
Protections  
Spectrum™

Mike

Lexie

Matt

\* Instructions

GPA  
LPA  
↓  
→

GPA  
LPA  
↓  
↔

GPA  
LPA  
↓  
←

- ✓ ✓ ☒ Distribution
- ✓ ✓ ☐ Administration
- ✓ ☐ Investment

Beneficiary & CPA or  
Corporate fiduciary of  
Beneficiaries' choice

Potential Advantages to  
leaving assets in trust:

- Additional Divorce Protection
- Additional Creditor Protection
- Additional Catastrophic Illness Protection

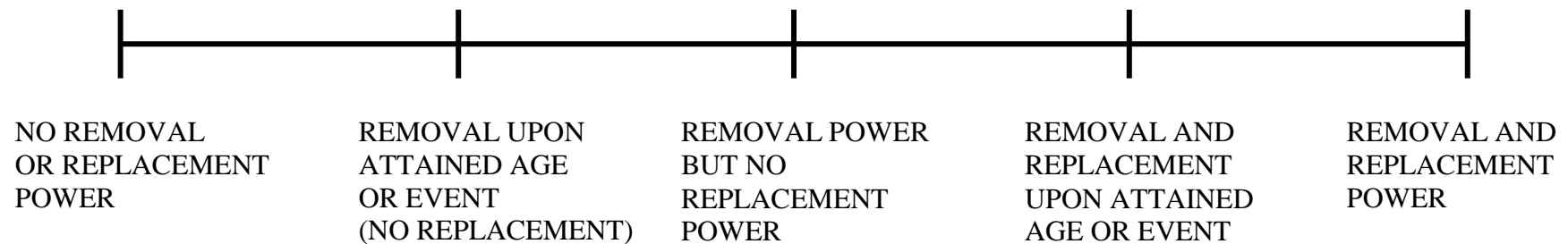


Edward S. Clay, P.A.

## TRUST SHARE CONTROL CONTINUUM™

NO CONTROL

FULL CONTROL



### WEALTH RECEPTION PLANNING™

- Letter of Instruction
- Financial Training and Assistance
- Tax Training and Assistance



## **The Disability Determination Developer<sup>TM</sup>**



**EDWARD S CLAY PA**  
LAW OFFICES

**1300 York Road, Suite 120  
Lutherville MD 21093-6000**

**Phone: 410.296.3358**

**Fax: 410.296.2658**



The definition of estate planning emphasizes Control. “I want to control my property when I’m alive and well.” This concept becomes more difficult when disability strikes—note, “and if I become disabled I want things to care for myself and my loved ones the way I would have done it myself.”

In essence, the key question is “who should control the loss of control.” We start from the premise that if control is so important to all our clients (the number one planning goal, by the way) that our clients should be the ones who control the loss of control. Common wisdom is that you obviously can’t do that because you won’t realize when you become unable to manage your property and financial affairs.

While it is true you will be compromised at the time of the actual decision, we are not doomed to reactive planning. By being proactive, we can control who does make the decision if and when our capabilities decline, and we can outline how the decision is to be made.

Our approach involves each client developing a personal disability panel to make one single decision—is that client able to manage his or her property and financial affairs. The panel has no other role—it is charged with the critical responsibility of determining the client’s current abilities. The determination is made privately, normally without expense.

Once the panel has determined disability, financial control shifts to the client’s personally selected disability trustees and, when necessary, agents under power of attorney. Even better, the client exercises even more control by providing detailed instructions regarding both health care wishes and funding of those wishes.

The Disability Determination Developer assists the client in designing a personal disability panel, including back-up participants and those who should be consulted regarding the decision.

Most clients design a panel consisting of medical professionals and family members. The medical participation is not always popular, but is most often necessary when recognizing the reality that in order to make financial institutions comfortable honoring the private “test” for relinquishment of control a doctor’s statement is almost always required. That said, the vast majority of clients agree that taking away a person’s financial control is not something that involves merely a cold, clinical approach. Indeed, the *timing and formality* of the transfer of control is often best designed by family members who know the client best.

The panel’s analysis usually begins with an exploration of the relationship the client has with his or her doctor, if indeed there is one. Although it may seem minor at first glance, even providing simply that the client’s own doctor must agree provides a greater degree of control than a decision made by a court or by the typical “one doctor” test provided in many legal documents. Most certainly it provides better protection than leaving control to a family member who decides to use a power of attorney at any time without any standard for determining disability.

For some, second medical opinions obviously provide better protection against abuse, particularly when the opinion is delivered by a specialist in the area of health concern involved.

For others, however, requiring a second opinion would represent unnecessary cost, delay and complexity.

Clients are often able to “paint a picture” of a disability event, including who will best make determinations, who should be consulted (whether inside or outside the family) and, importantly, when someone should not hold too much sway in the decision.

It is important to note that however a client decides to design the disability panel, that same panel must “reverse the process” to reinstate the client’s control over financial affairs! A complicated and detailed process provides better protection against abuse, but makes more difficult any potential return to control. Conversely, a “simple and easy” definition of disability provides less protection, but quicker use with less hassle when disabling or reinstating the client’s control.

Finally, remember that the panel’s composition and who is to be consulted about what is completely reviewable in the revocable living trust format.

All of these issues are raised and addressed through use of the **Disability Determination Developer**.

# The Disability Determination Developer<sup>TM</sup>

Medical Input

PC MD

Relationship

1 2 3 4 5

2nd MD Opinion

Complexity

Protection

1 2 3 4 5

Family (individual) Input

Spouse  
Children  
Clergy  
Other?  
Combination?

Primary \_\_\_\_\_

Successor \_\_\_\_\_

Majority or Unanimous?



## **The Retirement Distribution Primer<sup>TM</sup>**



**EDWARD S CLAY PA**  
LAW OFFICES

**1300 York Road, Suite 120  
Lutherville MD 21093-6000  
Phone: 410.296.3358  
Fax: 410.296.2658**

**The Retirement Distribution Primer™**  
“IT’S AS EASY AS **BLUE**, **YELLOW**, **GREEN!**”

This primer summarizes the key issues involved in taking distributions from retirement plan accounts, particularly regular IRA accounts. Funds held inside retirement accounts grow tax-deferred. Taxpayers are taxed on distributions when withdrawn from the retirement plan. Distributions made prior to age 59 ½ are subject to an early withdrawal penalty of 10%. When the taxpayer reaches 70 ½, the IRS provides that Required Minimum Distributions must be taken.

Normally, discussions about distributions focus only on minimizing taxation. With counselling, clients become aware that they can not only minimize distributions over the years, but pay those distributions to their intended heirs in trust in order to provide personal instructions and directions to their loved ones. In addition, properly drafted trusts can provide the intended heirs with potential catastrophic creditor, catastrophic illness and divorce (bloodline) protection while still allowing the beneficiary to maintain practical control of their inheritance. We developed the explanation below as a “digest” in order to more simply review the distribution process provided in the US Tax Code and IRS regulations. The overview refers to each of the three attached color-coded sheets.

**BLUE** (Lifetime Distributions)

When you reach the Required Beginning Date (70 ½), the Uniform Table is used. It’s “true blue” because you can count on it. All lifetime distributions are made using this chart, with only one exception (if you name a spouse who is more than 10 years younger than you). Otherwise, we simply divide the account balance as of December 31 of the previous year by the divisor provided on the chart to determine the required minimum distribution which must be withdrawn by December 31 of this year. This process continues annually until your death.

**YELLOW** (Caution—you’ve named a trust!)

Upon your death, when a trust is named beneficiary of a retirement account that offers distributions based on life expectancy, an EXCEPTION to the general distribution rules allows payments to trust over the life expectancy of a beneficiary if the trust qualifies as a designated beneficiary trust under IRS regulations. Think of a traffic light. Whether the trust meets the terms of the exception determines the amount (“speed”) of required distributions. Once the test result is known, the light turns from yellow to green. Thus, a trust must be carefully drafted to meet the IRS requirements.

**GREEN** (“Go and take distributions”)

If the trust passes the test, the balance of the account on the previous December 31 is divided by the divisor based on the age of the appropriate individual trust beneficiary. If the test is failed, the age of the original account holder at the time of death must be used. You use the chart to determine the term of years, and reduce by one each year thereafter.

## UNIFORM LIFETIME TABLE

Age of Employee	Distribution Period	Age of Employee	Distribution Period
70	27.4	92	10.2
71	26.5	93	9.6
72	25.6	94	9.1
73	24.7	95	8.9
74	23.8	96	8.1
75	22.9	97	7.6
76	22.0	98	7.1
77	21.2	99	6.7
78	20.3	100	6.3
79	19.5	101	5.9
80	18.7	102	5.5
81	17.9	103	5.2
82	17.1	104	4.9
83	16.3	105	4.5
84	15.5	106	4.2
85	14.8	107	3.9
86	14.1	108	3.7
87	13.4	109	3.4
88	12.7	110	3.1
89	12.0	111	2.9
90	11.4	112	2.6
91	10.8	113	2.4
92	10.2	114	2.1
93	9.6	115+	1.9

*How to Use Uniform Table.* A Participant calculates his or her MRD each year by looking up the divisor that corresponds with his or her "attained age" in that year (i.e., his or her age on his or her anniversary of birth in that year).

*June and July Birth Dates.* A Participant beginning distributions must be careful to begin with the proper line on the Uniform Table, depending on whether he or she was born in the first or second half of the year.

## Designated Beneficiary

# EXCEPTION

or “Why we name the trust as beneficiary”

1. Valid under state law
2. Individual beneficiaries
3. Identifiable beneficiaries
4. Copy of trust delivered to plan administrator
5. Irrevocable upon death

If your advisors have questions about beneficiary designations, please have the call our office for a telephone appointment!

## SINGLE LIFE TABLE

Age	Life Exp.	Age	Life Exp.	Age	Life Exp.	Age	Life Exp.
0	82.4	29	54.3	58	27.0	87	6.7
1	81.6	30	53.3	59	26.1	88	6.3
2	80.6	31	52.4	60	25.2	89	5.9
3	79.7	32	51.4	61	24.4	90	5.5
4	78.7	33	50.4	62	23.5	91	5.2
5	77.7	34	49.4	63	22.7	92	4.9
6	76.7	35	48.5	64	21.8	93	4.6
7	75.8	36	47.5	65	21.0	94	4.3
8	74.8	37	46.5	66	20.2	95	4.1
9	73.8	38	45.6	67	19.4	96	3.8
10	72.8	39	44.6	68	18.6	97	3.6
11	71.8	40	43.6	69	17.8	98	3.4
12	70.8	41	42.7	70	17.0	99	3.1
13	69.9	42	41.7	71	16.3	100	2.9
14	68.9	43	40.7	72	15.5	101	2.7
15	67.9	44	39.8	73	14.8	102	2.5
16	66.9	45	38.8	74	14.1	103	2.3
17	66.0	46	37.9	75	13.4	104	2.1
18	65.0	47	37.0	76	12.7	105	1.9
19	64.0	48	36.0	77	12.1	106	1.7
20	63.0	49	35.1	78	11.4	107	1.5
21	62.1	50	34.2	79	10.8	108	1.4
22	61.1	51	33.3	80	10.2	109	1.2
23	60.1	52	32.3	81	9.7	110	1.1
24	59.1	53	31.4	82	9.1	111+	1.0
25	58.2	54	30.5	83	8.6		
26	57.2	55	29.6	84	8.1		
27	56.2	56	28.7	85	7.6		
28	55.3	57	27.9	86	7.1		



# The Three Doors™

## FOR RETIREMENT PLAN DISTRIBUTIONS



**1**

### **CONDUIT**

RP distributions  
on beneficiary's  
L.E. (oldest)



**2**

### **BASE TRUST with SPECIAL RP LANGUAGE**

RP distributions  
on desired  
beneficiary's L.E.

Protections  
&  
Instructions



**3**

### **STANDALONE RP TRUST**

RP distributions  
on beneficiary's  
OWN LE

Protections  
&  
Instructions

**RP= Retirement Plan**

**LE = Life Expectancy**





## **TAB 11**

### **Estate Planning Review Worksheets**

**This section is unique for each client.**

**Keep your records in your own physical  
Client Organizer (Black Binder)  
as a history of the changes and updates  
you requested for your estate plan.**



## **TAB 12**

### **Memoranda of Intent**

**This section is unique for each client.**

**Keep your records in your own physical  
Client Organizer (Black Binder)  
as a history of your intent as to various goals  
and objectives you desire your estate  
planning and trust documents to accomplish.**



## **TAB 13**

### **Life Update List**

**This section is unique for each client.**

**Keep your records in your own physical Client Organizer (Black Binder) as a history of miscellaneous issues that impact your estate planning of which you notified the law firm.**



## **TAB 14**

### **Purposeful Legacy**

- 1. ATM vs. Purposeful**
- 2. The Bridge Builder's Roadmap**
- 3. The Gift of Wisdom**

# **“ATM vs. PURPOSEFUL”**

## **A ROADMAP TO GUIDE MY TRUSTEES IN THE EXERCISE OF THEIR DISTRIBUTION POWERS AND RESPONSIBILITIES**

### **A PURPOSEFUL VISIONING EXERCISE**

**“A luxury twice enjoyed becomes a necessity” – Paul Comstock**

**"The reward of esteem, respect and gratitude [is] due to those who devote their time and efforts to render the youths of every successive age fit governors for the next." --Thomas Jefferson**

No matter how well we do in terms of sharing our values, wisdom and vision in our Purposeful Trust™, if we fail to provide the Trustee with guidance and clear statements of intent and purpose, there is a very low probability the trust will have as positive an influence in the lives of the beneficiaries as we hoped it would.

A friend of mine once asked me, “What should I do? Build a better ship or train a better captain?” We were talking about the role of a trustee and the trustee’s potential influence, for better or worse, on the next generations of the Trust Creator’s family. I believe the answer to his question is: you must do both. You need both a Purposeful Trust™ and a Generative Trustee.

A Generative Trustee is one who will invest as much time and energy in the exercise of distribution discretion as is spent on the investment management and trust administration responsibilities. Ideally, a Generative Trustee will serve as both a mentor and accountability partner to the beneficiaries. In many senses the Generative Trustee is the alter ego of a wise and loving parent. But because the possible influence of a Generative Trustee is most strongly felt during and after the beneficiary’s journey to individuation, the Generative Trustee can’t approach their role in a paternalistic or hierarchical manner. They demean the role, however, if they just become “best buds” with the beneficiary.

Too many trustees function like an ATM machine. The beneficiary shows up with the proper code and the Trustee dispenses the requested cash UNLESS the request exceeds the limits set by the trust instrument.

A Generative Trustee who wants to make purposeful distributions will ask two questions: 1) is this distribution consistent with the purposes of the trust; and 2) how can I make and monitor this distribution so I enhance the prospects that the beneficiary will not become dependent on the trust but instead will maximize the positive impact of this distribution?

You wouldn’t drop your children off with a babysitter for a week without providing the sitter with instructions and helpful background. The purpose of the ATM vs. Purposeful Distributions

Visioning Exercise is to provide the guidance which the Trustee needs to be able to have the most positive impact in carrying out the duties you have given him/her/it. Such guidance is invaluable.

### **STEP 1 OF THE ATM vs. PURPOSEFUL DISTRIBUTIONS VISIONING EXERCISE:**

Read through the list below of different types of distributions which trustees are often asked to make. Circle each one that is within the purview of what you expect the Trustee of your Purposeful Trust™ to be able to make. Don't worry at this point about the Guidance and Guidelights you would give your Trustee. Just ask yourself, "Is this something that at some point in the future I would want my Trustee to be able to decide whether to help a beneficiary with funds for this purpose?" Circle the number of each category which resonates with you.

What Types of Distributions Do I Want My Purposeful Trust™ to Be Able to Make?

Circle The Categories Which Are Things You'd Like Your Trustee to Be Able to Help With

1. Health
2. Education
3. Living Expenses and Support
4. Buying a Home
5. Starting or Expanding a Business
6. Paying Off a Debt or Judgment
7. Doing Good in the World or Making Gifts to Charities
8. Vacations, Sabbaticals or Walk About Experiences
9. Other Types of Distributions: *Is there another type of distribution which you have thought of including in your Purposeful Trust™?*

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### **STEP 2 OF THE ATM vs. PURPOSEFUL DISTRIBUTIONS PURPOSEFUL VISIONING EXERCISE:**

- Now we get to the fun part of the ATM vs. PURPOSEFUL DISTRIBUTIONS PURPOSEFUL VISIONING EXERCISE. Start, with the first category you circled. Find the corresponding category heading in bold below with italicized instructions.

Go through each question or statement for that category marking the question/statements for that category as instructed and then reflect on what additional comments or guidance you can provide to explain your expectations for how the trustee will exercise its distribution discretion.

- Next, return to the second category you circled and repeat the process.
- Do this until you have covered each of the questions/statements for each category you circled. Return the completed ATM vs. Purposeful Distributions Purposeful Visioning Exercise to us and we will help you determine how we should integrate it into your trust.

### EXERCISE QUESTIONS (Organized By Category)

- 1. Health:** *Mark with an "A" each of the following medical procedures or health care expenditures which you you would **always** want your Trustee assisting a beneficiary with. If there are some situations in which you might consider having the Trustee make that distribution if the circumstances are sufficiently strong, then mark it with a "P" for **possible**. If there is no imaginable circumstances under which you would want the Trustee helping with that health need mark it with a "N" for **never**?*

- \_\_\_\_\_ a. Health insurance premiums
- \_\_\_\_\_ b. Surgery
- \_\_\_\_\_ c. Organ transplants
- \_\_\_\_\_ d. Psychiatric care
- \_\_\_\_\_ e. Physical therapy
- \_\_\_\_\_ f. Hospitalization
- \_\_\_\_\_ g. Convalescent care
- \_\_\_\_\_ h. Home care and costs of invalidism
- \_\_\_\_\_ i. Preventative procedures or tests
- \_\_\_\_\_ j. Dues, fees and expenses associated with spas, health clubs, athletic leagues and organizations, golf, tennis or country clubs or for the purchase of sporting equipment which will be used for recreational or therapeutic purposes
- \_\_\_\_\_ k. Hiring or reimbursing a beneficiary for his or her expenses in engaging security personnel, privacy and security consultants and services and other consultants who provide advice, counsel or services in connection with the personal safety of a beneficiary or such beneficiary's family.
- \_\_\_\_\_ l. Cosmetic or elective procedures such as dental, orthodontics, hair transplants or restoration, eyewear and vision procedures and shall also include non-traditional medicine, procedures and therapies
- \_\_\_\_\_ m. Transportation expenses which are necessary or primarily related to a beneficiary's health needs
- \_\_\_\_\_ n. Random drug testing if the trustee is aware a beneficiary has had substance abuse problems



- \_\_\_\_\_ o. Addiction recovery treatments and programs
- \_\_\_\_\_ p. Additional therapies, procedures, equipment, drugs and supplements which aren't even available at the time of the establishment of the trust but may become available due to advances in medical research or health care practices which occur hereafter
- \_\_\_\_\_ q. Experimental procedures which aren't yet considered standard care or may not even be permissible to administer in the U.S.
- \_\_\_\_\_ r. Is there any other procedure you can think of today which you would like to see included as something permissible for the trustee to authorize payment for

Now, for each of the foregoing procedures or therapies which you marked with the "*P*" for *possible*, please add a sentence or two below which explains what conditions or stipulations you would place on that expenditure or what additional information the Trustee should consider in deciding whether to honor that request.

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Is there anything you want to say about the health care expenditures you marked as an "A" to help the Trustee understand why that expense is so important to you?

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On those health care expenditures you felt such strong opposition to that you marked them with the letter "N" for **Never**, could you give an example of what your objection or concern with that item is:

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**2. Education:** *Mark with an “A” each of the following educational expenditures or criteria for evaluating an educational expenditure which you would always want your Trustee assisting a beneficiary with or including in their criteria for approving such a request. If you feel that expenditure or distribution policy might be appropriate in some situations but not sure in others, please mark it with a “P” for possible. If there is no imaginable circumstances under which you would want the Trustee helping with that educational expense mark it with a “N” for never?*

- \_\_\_\_\_ **a.** Enrollment at private elementary, junior and senior high school including boarding school;
- \_\_\_\_\_ **b.** Undergraduate and graduate study in any field at a college or university;
- \_\_\_\_\_ **c.** Specialized, vocational or professional training or instruction at any institution, including private instruction;
- \_\_\_\_\_ **d.** Any other curriculum or activity that my Trustee may deem useful for furthering the education or developing the abilities and interests of a beneficiary , regardless of whether such curriculum or activity directly leads to a degree or certification, including, without limitation, workshops, retreats, conferences, seminars, practicums, internships and externships, athletic training, musical instruction, theatrical training, art training,
- \_\_\_\_\_ **e.** Expenses incurred in participating in or traveling to a family meeting which has have significant educational value.
- \_\_\_\_\_ **f.** Financial bootcamps, trustee/beneficiary trainings or workshops, and other programs or curriculum which will enhance a beneficiary’s financial skills or understanding of his/her role and responsibilities as either a beneficiary or trustee.
- \_\_\_\_\_ **g.** Educational travel – semesters abroad; semesters at sea, etc.
- \_\_\_\_\_ **h.** Travel to and from a beneficiary’s permanent residence to any educational institution a beneficiary is enrolled at
- \_\_\_\_\_ **i.** Expenses such as room and board, lab and other fees, books and supplies, tutoring, other equipment or tools (including computer hardware and software), other materials or activities which the Trustee feels are of significant educational benefit or value to such beneficiary, and a reasonable allowance for supplemental living expenses including clothing and entertainment, are appropriate educational expenses
- \_\_\_\_\_ **j.** Accreditation isn’t the litmus test that the Distribution Trustee should use in evaluating the appropriateness of a distribution for educational purposes. Instead the Distribution Trustee should consider whether the proposed educational expense will be in the best interests of the beneficiary because it will enhance the beneficiary’s knowledge, life experiences, skills, wisdom or abilities.
- \_\_\_\_\_ **k.** In evaluating the appropriateness of an educational path a beneficiary wants to embark on, a trustee should not take into account what the likelihood of a job in that field is or what the earnings power of graduates with that degree or certification is.
- \_\_\_\_\_ **l.** Experiencing or participating in philanthropy or philanthropic, religious or humanitarian service, is an appropriate educational expenses.

- \_\_\_\_\_ m. a beneficiary should take primary responsibility for explaining how a requested educational expenditure will be in their best interests, taking into account the criteria set forth within the trust agreement. It would also be very helpful to not only have the beneficiary explain in their request what they hope to gain from this educational disbursement but to report once they have completed the experience or course of study on what they gained, not only in terms of the substantive knowledge or skills but also in terms of their perspectives on how it has made their life more meaningful or prepared them to be a better person.
- \_\_\_\_\_ n. The importance of lifetime learning and expanding one's knowledge and wisdom is very strong but each beneficiary should also be accountable for how the resources of this Trust are expended. Therefore, the Trustee should carefully consider the beneficiary's readiness for the educational experience, program or curriculum and should also monitor the beneficiary's progress.
- \_\_\_\_\_ o. Since research has shown that students who work part-time, place a higher value on their educational degree and maximize how effectively they spend their study time and effort, the trustee should not discourage a beneficiary from working part-time while they are getting their undergraduate, graduate or professional degree.
- \_\_\_\_\_ p. I want the trustee to discourage my beneficiaries from becoming "professional students." A professional student is one who is constantly seeking new degrees but never applying the knowledge and degree(s) he/she previously attained.
- \_\_\_\_\_ q. Job counseling, interview and resume preparation and training programs shall be considered educational expenditures.
- \_\_\_\_\_ r. If a beneficiary has a proven track record of academic excellence the Trustee should consider being more liberal in disbursements for living expenses
- \_\_\_\_\_ s. The trustee should discourage online education unless it is the only means of obtaining the coursework, certification or degree or unusual physical or medical circumstances suggest it is appropriate for the beneficiary
- \_\_\_\_\_ t. Pass-Fail coursework shall not penalize a beneficiary who must maintain a certain grade point average to qualify for ongoing educational expenditures or to avoid having to repay prior expenditures.
- \_\_\_\_\_ u. Other types of educational expenditures which haven't previously been identified:  
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Now, for each of the foregoing educational expenditures or criteria for making an educational disbursement which you marked with a "*P*" for *possible*, please add a sentence or two below which explains what conditions or stipulations you would place on that expenditure or what additional information a trustee should gather before making their decision

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Is there anything you would want to say about the educational expenditures you marked as an “A” to help the Trustee understand why that expense is so important to you?

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On those educational expenditures you felt such strong opposition to that you marked them with the letter “N” for **Never**, could you give an example of what your concern with that item is:

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**3. Living Expenses and Support:** *Mark with an “A” each of the following expenditures for an adult beneficiary’s living expenses and support which you agree you would **always** want your Trustee assisting a beneficiary with. If there may be some situations in which you might further identify how or when a Trustee would help with that item mark it with a “P” for **possible**. If there is no imaginable circumstances under which you would want the Trustee helping with that support or living expense mark it with a “N” for **never**?*

- \_\_\_\_\_ a. The Trustee should take into account whether any distribution for a beneficiary’s support or living expenses will enhance the beneficiary's prospects for becoming or remaining productive and self-sufficient.
- \_\_\_\_\_ b. Distributions for support or living expenses should be considered through the lens of the vision, values, and life wisdom which I have expressed throughout the Trust Agreement
- \_\_\_\_\_ c. If a beneficiary has demonstrated the ability to live within a budget they establish and monitor, the Trustee should be more liberal in exercising the discretion given the Trustee to provide distributions to a beneficiary for living expenses and support.

- \_\_\_\_\_ d. If a beneficiary has demonstrated the ability to not only live within their means but also the ability to save, the Trustee may consider making distributions of income which is accumulating in the trust but in doing so should determine what the effect of any distribution will be upon the income and transfer tax liability of the beneficiary or the trust.
- \_\_\_\_\_ e. The Trustee may make distributions to a beneficiary to assist the beneficiary in reducing mortgage indebtedness.
- \_\_\_\_\_ f. The Trustee may make distributions to assist an adult beneficiary in acquiring an automobile
- \_\_\_\_\_ g. The Trustee should feel it a high priority to make distributions to a beneficiary to allow them to maintain a standard of living they are accustomed to.
- \_\_\_\_\_ h. The Trustee should only make distributions to a beneficiary to allow them to maintain a standard of living they are accustomed to if it can do so without invading the principal of the trust.
- \_\_\_\_\_ i. If the Trustee determines that a beneficiary is choosing not to work and/or is becoming dependent on distributions from the trust for their support and living expenses, the Trustee should begin reducing or suspend distributions while at the same time encouraging the beneficiary to get a job.
- \_\_\_\_\_ j. The Trustee should be proactive in assisting a beneficiary to develop budgeting and financial planning skills.
- \_\_\_\_\_ k. Is there any other disbursement for support or living expenses you can think of which you would like to see included as something permissible for the trustee to authorize payment for

Now, for each of the foregoing distribution policies which you marked with the “P” *for possible*, please add a sentence or two below which explains what conditions or stipulations you would place on that expenditure.

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Is there anything you would want to say about the support and living expenses you marked as an “A” to help the Trustee understand why that expenditure is so important to you?

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On those possible expenditures for support or living expenses you felt such strong opposition to that you marked them with the letter “N” for **Never**, could you give an example of what your concern with that item is:

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**4. Buying a Home** Mark with an “A” each of the following guidelines you would **always** want your Trustee to consider and follow before assisting a beneficiary buy a home. If you see a suggested guideline or qualification which you think might be appropriate in some but not all situations where a beneficiary requests help in buying a home, mark it with a “P” for **possible**. If there is no imaginable circumstances under which you would want the Trustee using trust assets to assist a beneficiary with the purchase of a home mark it with a “N” for **never**?

- \_\_\_\_\_ **a.** The beneficiary should come up with at least 5% of the purchase price of the Personal Residence as a down payment
- \_\_\_\_\_ **b.** The Trust should not provide more than twenty-five percent of the total purchase price of the Personal Residence and the beneficiary should qualify for a mortgage to cover the portion of the purchase price which exceeds the down payment provided by the beneficiary and the trust
- \_\_\_\_\_ **c.** The trustee may consider providing the beneficiary with an allowance to pay for furnishings for the personal residence
- \_\_\_\_\_ **d.** Assistance with the purchase of a home or the purchase of home furnishings is a one-time benefit
- \_\_\_\_\_ **e.** The Trust can assist a beneficiary in the acquisition of a vacation home in addition to a personal residence
- \_\_\_\_\_ **f.** If the beneficiary is married, the trustee should consider acquiring the personal residence as an asset of the trust UNLESS the beneficiary and his/her spouse have a valid pre- or post-nuptial agreement which protects any funds the trust will provide from becoming a marital asset that the beneficiary’s spouse could claim a share of in the event of a subsequent divorce
- \_\_\_\_\_ **g.** In the event a beneficiary’s family outgrows the personal residence which the Trust has helped the beneficiary acquire, the trustee should counsel with the beneficiary on the desirability of remodeling that home versus selling the home and acquiring a larger residence and if the Trustee feels the beneficiary’s request is reasonable considering both the cost of the remodeling or purchase of a new residence as well as the

overall commitment of trust assets to this project, the trustee could provide such assistance

- \_\_\_\_\_ h. A beneficiary's request to retrofit a residence with more energy efficient heating, cooling or energy conservation devices should be honored.
- \_\_\_\_\_ i. A beneficiary's request for relocation expenses in addition to assistance in purchasing a home should be honored.
- \_\_\_\_\_ j. If a beneficiary needs to sell his/her personal residence and the mortgage indebtedness is greater than the potential net sales proceeds, after closing costs, the Trustee may use trust funds to pay down the mortgage(s) to avoid the beneficiary having the blemish of a short sale or foreclosure on his/her credit history.
- \_\_\_\_\_ k. Is there any other type of assistance with the purchase, maintenance or remodeling of a home, which the Trustee might consider

Now, for each of the foregoing scenarios which you marked with the "*P*" for *possible*, please add a sentence or two below which explains what conditions or stipulations you would place on that expenditure or what additional factors you would want the trustee to consider.

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Is there anything you would want to say about the assistance or expenditures in the scenarios or questions you marked as an "A" to help the Trustee understand why that assistance is so important to you?

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On those scenarios or guidelines for residential expenditures you felt such strong opposition to that you marked them with the letter "N" for **Never**, could you give an example of what your concern with that item is:

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**5. Starting or Expanding a Business:** *Mark with an “A” each of the following guidelines you would always want your Trustee to consider and follow before assisting a beneficiary to either start or expand a business. If you see a suggested guideline or qualification which you think might be appropriate in some but not all situations where a beneficiary requests help in starting or expanding a business, mark it with a “P” for possible. If there is no imaginable circumstances under which you would want the Trustee using trust assets to assist a beneficiary in starting or expanding a business, please mark it with a “N” for never?*

- ☐ **a.** The Trustee should be willing to provide funds to a beneficiary to hire a competent business consultants to come up with a business plan for any venture the beneficiary wants to start or expand
- ☐ **b.** If the beneficiary will not be the sole owner of the venture, the Trustee should strongly consider structuring any assistance as a loan with a reasonable interest rate and as much security as possible but should always insist on personal guarantees of any capital advanced from the trust for such venture from the beneficiary’s partners or co-venturers.
- ☐ **c.** If a beneficiary has previously received assistance from the trust to either start, acquire or expand a business, and such entity or enterprise failed, the trustee should provide no further assistance, whether as a capital advance or as a loan
- ☐ **d.** Is there any other guideline or requirement you would want to impose on expenditures to start, acquire or expand a business?

Now, for each of the foregoing scenarios which you marked with a “P” for *possible*, please add a sentence or two below which explains what conditions or stipulations you would place on that expenditure or what additional factors you would want the trustee to consider.

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Is there anything you would want to say about the assistance or expenditures in the scenarios or questions you marked as an “A” to help the Trustee understand why that assistance is so important to you?



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On those scenarios or guidelines for residential expenditures you felt such strong opposition to that you marked them with the letter "N" for **Never**, could you give an example of what your concern with that item is:

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**6. Paying Off a Debt or a Judgment:** *Mark with an "A" each of the following discretionary decisions related to legal obligations or judgments of the beneficiary which you agree you would **always** want your Trustee assisting a beneficiary with. If there may be some situations in which you might further clarify how, when or whether a Trustee would help with that item mark it with a "P" for **possible**. If there is no imaginable circumstances under which you would want the Trustee helping with debt or judgment relief please mark it with a "N" for **never**?*

- ☐ **a.** If a beneficiary has wrongfully injured someone, I would like to see the Trustee provide funds to the beneficiary for the purpose of settling that liability rather than forcing the beneficiary to file bankruptcy
- ☐ **b.** If a beneficiary has wrongfully injured someone, the Trustee should provide assistance so that the beneficiary can get the best legal representation and advice but should not use trust income or principal to pay for a settlement or judgment against the beneficiary
- ☐ **c.** If the Trustee feels it is the prudent course, the Trustee should provide funds to a beneficiary to cover the legal costs and filing fees for a bankruptcy
- ☐ **d.** The Trustee should work with and encourage the beneficiary to have adequate property & casualty and liability insurance, including umbrella coverage
- ☐ **e.** It would be an appropriate use of the income of the trust to pay for or reimburse the beneficiary for the cost of all such insurance policies
- ☐ **f.** It would be an appropriate use of the income of the trust to pay for or reimburse the beneficiary for the cost of an umbrella policy but otherwise the beneficiary should be expected to pay for property & casualty policies

- \_\_\_\_\_ g. If due to circumstances which are totally or largely outside the control of a beneficiary, the beneficiary is unable to stay current on debt obligations the Trustee should be willing to provide funds to the beneficiary to allow them to get current on past due bills and obligations
- \_\_\_\_\_ h. Is there any other guidance you can offer to the Trustee in terms of providing assistance to a beneficiary who has been subjected to a legal or financial catastrophe?

Now, for each of the foregoing distribution policies which you marked with the “P” *for possible*, please add a sentence or two below which explains what conditions or stipulations you would place on that type of expenditure.

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Is there anything you would want to say about trustee decision-making in the areas you marked as an “A” to help the Trustee understand why that policy is so important to you?

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On those distributions for debts or judgments you felt such strong opposition to considering that you marked them with the letter “N” for **Never**, could you give an example of what your concern with that item is:

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**7. Doing Good in the World or Making Gifts to Charities:** *Mark with an “A” each of the following distribution policies or expenditures which you agree you would **always** want your Trustee assisting a beneficiary with. If there*

*may be some situations in which you might further identify how or when a Trustee would help with that item mark it with a “P” for **possible**. If there is no imaginable circumstances under which you would want the Trustee providing encouragement for that charitable service or philanthropy please mark it with a “N” for **never**?*

- \_\_\_\_\_ a. The Trustee should not match distributions a beneficiary makes to charitable organizations or causes which are directly opposed to my business interests
- \_\_\_\_\_ b. If the beneficiary wants to spend a year or more working full-time in charitable service, the Trustee may provide support and travel expenses to assist the beneficiary while they are providing such charitable service
- \_\_\_\_\_ c. The Trustee should only match charitable contributions the beneficiary makes to a charitable organization if the beneficiary provide significant volunteer service to that charity
- \_\_\_\_\_ d. Is there any other guidance you can offer the Trustee on how to encourage or support a beneficiary’s charitable giving or service?

Now, for each of the foregoing distribution policies which you marked with the “P” *for possible*, please add a sentence or two below which explains what conditions or stipulations you would place on those expenditures.

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Is there anything you would want to say about expenditures to support charitable giving and service you marked as an “A” to help the Trustee understand why that support is so important to you?

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On those decisions to make expenditures for charitable giving and service you felt such strong opposition to that you marked them with the letter “N” for **Never**, could you give an example of what your concern with that item is:

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**8. Vacations, Sabbaticals and Walk About Experiences:** *Mark with an “A” each of the following expenditures which you agree you would always want your Trustee assisting a beneficiary with. If there may be some situations in which you might further identify how or when a Trustee would help with that item mark it with a “P” for possible. If there is no imaginable circumstances under which you would want the Trustee helping with that request please mark it with a “N” for never?*

- \_\_\_\_\_ a. The Trustee should consider matching any funds an adult beneficiary can save for a vacation
- \_\_\_\_\_ b. A one year Walk About experience or travel around the world after college graduation is something the Trustee should pay for and strongly encourage a beneficiary to take advantage of
- \_\_\_\_\_ c. The Trustee should encourage a beneficiary to keep a journal for their Walk About or Sabbatical Experience and to write a brief report on their report on what one thing they learned that seemed the most important to them and what one thing they learned or experienced that surprised them the most

Now, for each of the foregoing distributions or distribution policies which you marked with the “P” for *possible*, please add a sentence or two below which explains what conditions or stipulations you would place on that expenditure.

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Is there anything you would want to say about the expenditures for vacations, sabbaticals and Walk About experiences you marked as an “A” to help the Trustee understand why that distribution decision is so important to you?

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On those expenditures you felt such strong opposition to that you marked them with the letter “N” for **Never**, could you give an example of what your concern with that item is:

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9. **Any Other Types of Distributions You Want the Trustee to Consider:** *Is there another type of distribution you would want the Trustee to consider making or another form of Guidance or Guidelights you have thought of providing to the Trustee? What might that be?*

IS THERE ANYTHING ELSE YOU WOULD LIKE TO INCLUDE IN THIS ATM VS. PURPOSEFUL  
DISTRIBUTIONS PURPOSEFUL VISIONING EXERCISE?

# **“THE BRIDGE BUILDER’S ROADMAP”**

## **WHAT I WANT MY FAMILY TO KNOW ABOUT SUCCESSFULLY NAVIGATING THE ROAD OF LIFE**

### **A PURPOSEFUL VISIONING EXERCISE**

The purpose of this Purposeful Visioning Exercise is to help create Trust Guidelights by harnessing your life wisdom for the benefit of your posterity. Guidelights enrich the life journeys of your children and grandchildren by sharing with them secrets you have discovered for an abundant and fulfilling life. They illuminate the gateway to opportunity, the path to personal growth and throw a spotlight on hazards and roadblocks. Guidelights also assist your beneficiaries to focus on the meaning of money and the purpose of money.

If you could help one of your loved ones avoid a hazard in their future life path, how valuable would that be? When they run into adversity, how grateful would you be if the guidelights you shared with them inspires them to persist and overcome those trials?

The experiential reflections in the Roadmap exercise will help you be a Bridge Builder for your loved ones. And, it will help your Trustees know what you expect from them.



### *The Bridge Builder*

**By Will Allen Dromgoole**

An old man, going a lone highway,  
Came at the evening, cold and gray,  
To a chasm, vast and deep and wide,

Through which was flowing a sullen tide.  
The old man crossed in the twilight dim;  
The sullen stream had no fears for him;  
But he turned when safe on the other side  
And built a bridge to span the tide.

"Old man," said a fellow pilgrim near,  
"You are wasting strength with building here;  
Your journey will end with the ending day;  
You never again must pass this way;  
You have crossed the chasm, deep and wide -  
Why build you the bridge at the eventide?"

The builder lifted his old gray head:  
"Good friend, in the path I have come," he said,  
"There followeth after me today  
A youth whose feet must pass this way.  
This chasm that has been naught to me  
To that fair-haired youth may a pitfall be.  
He, too, must cross in the twilight dim;  
Good friend, I am building the bridge for him."

## KEY POINTS BEFORE WE GET STARTED

- A Trust Creator can have a much greater positive impact on beneficiaries by sharing his or her life wisdom through Guidelights than by edicts.
- The best Guidelights are mined from the nuggets of your life wisdom and experiential reflections. Quotes, favorite sayings or life lessons and stories from relatives or people you admire are the second best source for Guidelights.
- Guidelights can also operate like a "life compass" which the beneficiary can refer to whenever they face difficult situations or critical questions along their life path.

## STEP 1 OF **THE BRIDGE BUILDER'S ROADMAP** VISIONING EXERCISE:

In the list on the next page are seven different forms of Guidance and Guidelights which Trust Creators have left in the Roadmaps they have created for their children and other loved ones. Please read the description of each category placing a \* next to each category which resonates with you.

**"Written or recorded reflections of our life wisdom and experiences, encrusted with the beauty of our expressions of love, appreciation and faith in the goodness and potential of our children, are the only riches our posterity cannot squander" – John A. Warnick**

## WHAT DO I WANT TO INCLUDE IN MY ROADMAP?

Guidance and Guidelights Categories for a Purposeful Trust™

1. **Lessons Learned:** *What are the key lessons I have learned along my life's journey which might make the journey you or your descendants will take easier, more satisfying or meaningful*
2. **Recommended Points of Interest:** *Things I did, habits I formed, and traditions I honored or created which I would recommend to you*
3. **Hazards and Detours:** *Mistakes I made or situations I would avoid at all costs if I could live life over and what I learned from them*
4. **Burma-Shave Roadsigns:** *Favorite quotes or sayings from my parents, other family members and people I admire, as well as my own favorite quotes which I think will inspire or serve you well*
5. **Your North Star Guidance System:** *Glimpses into how you have kept yourself moving forward on the road of life and what might prove to be a valuable guidance system for those you love*
6. **The Owner's Manual:** *Some helpful guidance on what to expect from your trust, the trustee(s) and yourself. What I think you need to know to maximize your opportunities and fulfill your responsibility as a Great Beneficiary*
7. **The Trustee's Route:** *What I hope the trustee(s) will always remember as they manage the trust. If I was giving final instructions to the trustee(s), what would I want them to know?*

Is there another form of Guidance or Guidelights you have thought of including in your Roadmap? What might that be:

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## STEP 2 OF THE BRIDGE BUILDER'S ROADMAP VISIONING EXERCISE:

- Now we get to the fun part of the Name That Trust exercise. Look at the \* you placed next to those categories which resonated most strongly with you . See if you can rank each of the categories you placed a \* next to starting with the most important (mark that as the #1) and then work your way down to the least important.



- Next, find the instructions for your #1 category below. Start working your way through that category's instructions. Write or dictate your thoughts and feelings as you go. Return those to us and we will help you polish it and determine how we should integrate it into your trust. Before we begin that integration process we will have you approve our edits and make sure we haven't left out anything vitally important.

## INSTRUCTIONS

1. **Lessons Learned:** *What are the key lessons I have learned along my life's journey which might make the journey you or your descendants will take easier, more satisfying or meaningful*

List at least three life lessons you would like to include in the Roadmap. Savor each of these life experiences and reflect on what it has meant to you. Why has each of these lessons proven to be so valuable to you? Why do you think it will be of great value to those who follow behind you? Make notes of what each lesson has taught you, the story behind it, and why each means so much to you today. Now write or dictate a description of the story behind the lesson, why it has proven to be of such great value to you and how you believe it can become a valuable insight for those you love. Now that you have finished the life lessons you initially wanted to share, are there more that have emerged? Keep going until you are satisfied with this bridge of life wisdom you have shared

2. **Recommended Points of Interest:** *Things I did, habits I formed, and traditions I honored or created which I would recommend to you.*

Think of at least one family tradition that you love and would like to see carried on by the next generations of your family. Why is it so important to you, how did it get started and how can it be supported by your family going forward?



Think of at least one experience, trip, or adventure, etc. that proved to be so valuable that you would recommend it to all or most members of your family? What was it, how did it change or enrich your life? When and how would you suggest to your children or grandchildren they plan on doing something similar?

Think of at least one habit or practice that you made a core part of your life? Who inspired you or encouraged you to develop this habit or practice? What has been so rewarding about it in your life? What would you say to help members of your family persist in making this a habit or an integral practice in their lives and overcome any feelings they can't do it or it is just too difficult?

3. **Hazards and Detours:** *Mistakes I made or situations I would avoid at all costs if I could live life over and what I learned from them*

Do you have an example of how you were able to overcome a mistake you made and what lessons you learned from that failure or mistake?



If you could be granted a “Mulligan” to do something over in life, what would you take your first do-over on and how would you handle or approach that situation differently? What have you learned about the importance of forgiving ourselves and/or seeking forgiveness when we hurt or harm others through our mistakes?

What could you say to encourage your family about the importance of being willing to learn from mistakes and overcome failures?

4. **Burma-Shave Roadsigns:** *Favorite quotes or sayings from my parents, other family members and people I admire, as well as my own favorite quotes which I think will inspire or serve you well*

Start thinking about those favorite sayings or truisms you have heard and committed to memory? Can you come up with your top 10 list? Do you need to explain the meaning behind any of them?

What about the unspoken or spoken lessons you were taught as a child that had a very strong influence on your life journey and could be valuable to your family? What is the story behind that life lesson?

What about your personal vocabulary of success? Are there personal sayings you are fond of sharing to inspire those you work with or your family?

5. **Your North Star Guidance System:** *Glimpses into how you have kept yourself moving forward on the road of life and what might prove to be a valuable guidance system for those you love*

Please describe any mottos, mission statement or tangible objects or mementos which serve as a personal North Star to guide you in your personal life journey?

If you ever needed to make course corrections in your personal journey, how did you do so and do you have some concrete examples of the benefits this offered to you?

If there was someone you admired and used as a model for creating and living a meaningful life, who would that be and what did you learn from them?



6. **The Owner's Manual:** *Some helpful guidance on what to expect from your trust, the trustee(s) and yourself. What I think you need to know to maximize your opportunities and fulfill your responsibility as an Excellent Beneficiary*

What do you expect the role and responsibilities of the Beneficiaries of your Purposeful Trust™ to be?

What do your children or grandchildren need to know to maximize the opportunities your gift(s) create for them and learn what it takes to become an Excellent Beneficiary?

7. **The Trustee's Route:** *What I hope the trustee(s) will always remember as they manage the trust. If I was giving final instructions to the trustee(s), what would I want them to know?*

List at least three key points you would like your trustee(s) to remember as they administer your Purposeful Trust™ after your death?

If you were to give your trustees a concise statement that would help them remember the most important purposes for the gift(s) you are making through your trust, what would it be?

How often do you believe the trustees and/or trust protector should evaluate how effectively your trust is being administered and do you have suggestions on how that review might be carried out?



IS THERE ANYTHING ELSE YOU WOULD LIKE TO SAY TO EXPRESS GUIDANCE OF GUIDELIGHTS FOR EITHER YOUR TRUSTEE(S)  
OR BENEFICIARIES?

# **“THE GIFT OF WISDOM”**

## **WHAT I HAVE LEARNED FROM MY OWN EXPERIENCES AND FROM THE VIPs – “VERY INFLUENTIAL PEOPLE” IN MY LIFE**

The **Gift of Wisdom** Purposeful Visioning Exercise will help you recall and preserve the best of the life wisdom which you have learned from your own experiences and from those VIPs—Very Influential People—in your life. The purpose of this exercise is to help you find ways to organize and preserve this life wisdom as a gift for the benefit of your posterity.

If you could help one of your loved ones avoid a hazard in their future life path, how valuable would that be? When they run into adversity, how grateful would you be if the guidelights you shared with them inspires them to persist and overcome those trials?

Guidelights enrich the life journey of your children and grandchildren by sharing with them secrets you have discovered for an abundant and fulfilling life. Guidelights illuminate the path to personal growth, the gateway to opportunity, and throw a spotlight on hazards and roadblocks. This image, of a brave teaching a young Indian, represents the opportunity we have to transfer wisdom and life experience to those who will follow in our footsteps.



### **KEY POINTS BEFORE WE GET STARTED**

- A Trust Creator can have a much greater positive impact on beneficiaries by sharing his or her life wisdom through Guidelights than by edicts.
- The best Guidelights are mined from the nuggets of your life wisdom and experiential reflections. Quotes, favorite sayings or life lessons and stories from relatives or people you admire are the second best source for Guidelights.
- Guidelights can also operate like a “life compass” which the beneficiary can refer to whenever they face difficult situations or critical questions along their life path.

*If wisdom were offered me with this restriction, that I should keep it close and not communicate it, I would refuse the gift—Seneca*

# **“THE GIFT OF WISDOM”**

## **WHAT I HAVE LEARNED FROM MY OWN EXPERIENCES AND FROM THE VIPs – “VERY INFLUENTIAL PEOPLE” IN MY LIFE**

### **A PURPOSEFUL VISIONING EXERCISE**

“Every man is a quotation from all his ancestors”—Ralph Waldo Emerson

#### **STEP 1 OF THE GIFT OF WISDOM VISIONING EXERCISE:**

- Read through the list below of different forms of Guidance and Guidelights which Trust Creators have left in the Gift of Wisdom they have created for their children or grandchildren. Then start down through the list and circle the number of each category which resonates with you.

#### **WHAT DO I WANT TO INCLUDE IN MY GIFT OF WISDOM?**

Guidance and Guidelights for My Purposeful Trust™

Circle Those Categories Which Resonate Most Strongly With Each

1. **Formula for Life Success:** *What have I learned about the key ingredients for personal happiness and well-being? If I were to describe my formula for life success in a couple of sentences, what would it be?*
2. **Lessons Learned:** *What are the key lessons I have learned along my life's journey which might make the journey my descendants will take easier, more satisfying or meaningful*
3. **Favorite Family Sayings:** *What are my five favorite quotes or sayings from my parents, other relatives and people I admire, as well as my own favorite quotes which I think will inspire or serve my children and their descendants well?*
4. **Highs and Lows:** *What have been the great successes in my life and what preparation or effort was required to reach that pinnacle? What are the mistakes I made or situations I would avoid at all costs if I could live life over and what I learned from them?*
5. **Practical Wisdom:** *What has been the most practical wisdom I have learned from others or discovered through my own experiences?*
6. **Inspirational Quotes:** *What are my five favorite inspirational quotes from great leaders, teachers, or unknown sources?*
7. **Turning Points:** *What were the key decisions that made all the difference in my life's journey? What helped me make right decisions at these difficult junctions?*

8. **Favorite Scriptures and Timeless Truths:** *What are my favorite scriptures or timeless truths I have learned from great teachers or philosophers? How have those favorite scriptures or timeless truths enriched my life journey?*
  9. **Navigating Through Life:** *What have been the North Stars and Life Compasses I have depended on in my life journey? How did I keep myself moving forward on the road of life when the load I was carrying seemed too heavy?*
  10. **Other Forms of Life Wisdom:** *Is there another form of Guidance or Guidelights you have thought of including in your Gift of Wisdom? What might that be:*
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## STEP 2 OF THE **GIFT OF WISDOM** PURPOSEFUL VISIONING EXERCISE:

- Now we get to the fun part of the **GIFT OF WISDOM** PURPOSEFUL VISIONING EXERCISE. Look at the categories which you circled or placed a \* next to them because they resonated most strongly with you. See if you can rank each of those categories starting with the most important (mark that as the #1) and then work your way down to the least important.
- Next, find the instructions for your #1 category below. Start working your way through that category's instructions. Write or dictate your thoughts and feelings as you go. Return those to us and we will help you polish it and determine how we should integrate it into your trust. Before we begin that integration process we will have you approve our edits and make sure we haven't left out anything vitally important.

### INSTRUCTIONS

1. **Formula for Life Success:** *What have I learned about the key ingredients for personal happiness and well-being? If I were to describe my formula for life success in a couple of sentences, what would it be?*

Make a list of what you feel the key ingredients to personal happiness and well-being are. In a couple of sentences, create your formula for life success.



**2. Lessons Learned:** *What are the key lessons I have learned along my life's journey which might make the journey you or your descendants will take easier, more satisfying or meaningful*

List at least three life lessons you would like to include in the Gift of Wisdom. Savor each of these life experiences and reflect on what it has meant to you. Why has each of these lessons proven to be so valuable to you?

Why do you think it will be of great value to those who follow behind you?

Makes notes of what each lesson has taught you, the story behind it, and why each means so much to you today. Now share a description of the story behind the lesson, why it has proven to be of such great value to you and how you believe it can become a valuable insight for those you love.



Now that you have finished the life lessons you initially wanted to share, are there more that have emerged?

**3. Favorite Family Sayings:** *What are my five favorite quotes or sayings from my parents, other relatives and people I admire, as well as my own favorite quotes which I think will inspire or serve my children and their descendants well?*

What about the unspoken or spoken lessons you were taught as a child that had a very strong influence on your life journey and could be valuable to your family? What is the story behind that life lesson?

Think of your favorite quotes and sayings that you remember hearing from your parents, other relatives or people you admire. Share that quote or saying and give the name of the individual you heard it from. How has it changed or enriched your life? Were there any special circumstances in the life of the individual you learned it from which make it more meaningful to you?

What about your personal vocabulary of success? Are there personal sayings you are fond of sharing to inspire those you work with or your family?

4. **Highs and Lows:** *What have been the great successes in my life and what preparation or effort was required to reach that pinnacle? What are the mistakes I made or situations I would avoid at all costs if I could live life over and what I learned from them?*

What price did I have to pay, in terms of preparation or effort, to achieve these moments of success? What debts of gratitude do I owe to others or divine grace for these wonderful opportunities and accomplishments in my life?

If you could be granted a “Mulligan” to do something over in life, what would you take your first do-over on and how would you handle or approach that situation differently? What have you learned about the importance of forgiving ourselves and/or seeking forgiveness when we hurt or harm others through our mistakes?

Do you have an example of how you were able to overcome a mistake you made and what lessons you learned from that failure or mistake?



What could you say to encourage your family about the importance of being willing to learn from mistakes and overcome failures?

5. **Practical Wisdom:** *What has been the most practical wisdom I have learned from others or discovered through my own experiences?*

What have I learned about the “Right Way(s)” to do the “Right Thing(s)”?

What are the virtues I’ve seen exemplified by others which allowed those people I admired to succeed and flourish?

What have I learned about how to extract the greatest value from the time and energy I have? How do you choose wisely between the good, the better and the best?

**6. Inspirational Quotes:** *What are my five favorite inspirational quotes from great leaders, teachers, or unknown sources?*

Start thinking about those favorite sayings or truisms you have heard and committed to memory. Come up with your Top Five list?

Do you need to explain the meaning or story behind any of them?

How have these inspirational quotes enriched your life or made a powerful difference at critical moments in your life journey?

**7. Turning Points:** *What were the key decisions that made all the difference in my life's journey? What helped me make right decisions at these difficult junctions?*

Reflect on those key points in your life's journey when you came to points where two roads diverged and you took a path that made all the difference. What helped you make the right decision at that difficult juncture?

What have been some difficult circumstances that you were somehow able to turn into a positive experience?

What are the secrets for making lemonade out of life's lemons?



Is there anything significant which preceded the most important Turning Points in your life?

**8. Favorite Scriptures and Timeless Truths:** *What are my favorite scriptures or timeless truths I have learned from great teachers or philosophers?*

Reflect on those key timeless truths and scriptures which have served as anchors in your life. Please share what these scriptures and timeless truths are.

How have these favorite scriptures or timeless truths enriched your life journey?

Are there stories behind how this scripture or timeless truth became so meaningful to you, or to others you love and admire?

9. **Navigating Through Life:** *What have been the North Stars and Life Compasses I have depended on in my life journey?*

Please describe any mottos, mission statement or tangible objects or mementos which serve as a personal North Star to guide you in your personal life journey?

If you ever needed to make course corrections in your personal journey, how did you do so and do you have some concrete examples of the benefits this offered to you?

If there was someone you admired and used as a model for creating and living a meaningful life, who would that be and what was it in their life that stood out?



How did I keep myself moving forward on the road of life when the load I was carrying seemed too heavy?

10. **Other Sources of Life Wisdom:** *Is there another form of Guidance or Guidelights you have thought of including in your Gift of Wisdom? What might that be?*

**IS THERE ANYTHING ELSE YOU WOULD LIKE TO INCLUDE IN YOUR GIFT OF WISDOM?**



## **TAB 15**

### **Miscellaneous**

**This section is unique for each client.**

**Keep any other records you wish to have as  
a reference in your own physical  
Client Organizer (Black Binder).**