The Van Winkle Law Firm

Your Estate Planning Questions Answered!

An eight-week virtual lunch-n-learn series with The Van Winkle Law Firm

Tuesdays and Thursdays, 12:00 - 12:30 PM. September 29th through November 19th

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Grab your lunch and tune in for one or all of these sessions hosted by the Trust, Estate, and Elder Law attorneys at the Van Winkle Law Firm. We will answer the questions that our clients most frequently ask and take your live questions from the comments.

Where There's a Will . . . Do I Need One and Why (Not)?

Tuesday, September 29th at 12:00

John Kelso and Melody King discuss the ways that a Will can (or cannot) control distribution of assets, and other effects of having (or not having) a Will. Who will inherit your assets if you die without a Will? What about your children and other loved ones? In addition to discussing the benefits of having a Will, we will discuss the probate process and what it entails, and why it is sometimes desirable to avoid some of that process.

What is Probate? The Basics on What to do After a Loved One Dies.

Thursday, October 1st at 12:00

BJ Kilgore and Koral Alman discuss the ins and outs of the estate administration process, including discussion of Probate and assets that pass outside of the estate administration process. Mr. Kilgore and Ms. Alman will also discuss the process when someone dies without a Will.

Avoiding the Big Bad Wolf Named "Probate"

Tuesday, October 6th at 12:00

John Veazey and Brian Lawler will discuss simple and effective means of avoiding probate – the public disposition of your assets through the court system. One of the simplest methods is through the effective use of beneficiary designations on financial and insurance assets and joint ownership of real and personal property. Such methods are not without risks, however, and the attorneys will evaluate these risks with the potential rewards. The attorneys will also dispel some of the myths of probate and answer your questions about the probate process.

Dad Wanted Me to Have It! Will Caveats and Rights of Disinherited Spouses
Thursday, October 8th at 12:00

Sometimes family members are surprised to be omitted from the will of a loved one. Whether or not this was an intentional omission is often the subject of litigation. Steve Grabenstein and Heather Goldstein will discuss Will Caveats, the formal procedure for setting aside someone's Will. We will also look at legal protections that can prevent a married person from disinheriting his or her spouse.

'Til Death (or Divorce) Do Us Part
Tuesday, October 13th at 12:00

BJ Kilgore and Melody King will examine the effects of separation and divorce on estate planning documents and the effect of estate waiver language in premarital and separation agreements. In addition, we will look at the unique challenges facing second marriages and blended families – families consisting of children from a prior relationship. An effective estate plan must take these special circumstances into consideration and plan accordingly. The attorneys at the Van Winkle Law Firm have extensive experience not only in estate planning, but family law issues, and work together to ensure that your estate plan is complete and effective.

What is a Durable Power of Attorney and Do I Need One?
Thursday, October 15th at 12:00

John Kelso and Koral Alman discuss General Powers of Attorney, including discussion of what they do, when they are activated, and how authority is shared between the individual and the agent. Mr. Kelso and Ms. Alman will also discuss special provisions that can be added to a General Power of Attorney, including gifting provisions and authority to modify trust documents, as well as the interplay of the General Power of Attorney with Health Care Powers of Attorney.

Putting a Stop to Elder Financial Abuse: What You Need to Know
Tuesday, October 20th at 12:00

The financial exploitation of older adults is the most common form of elder abuse. With almost five percent of adults over the age of sixty reporting that they have been the victim, this social problem has reached epidemic proportions. Heather Goldstein and Lucas Moomaw will help you understand why older adults become vulnerable to exploitation, what you can do to avoid becoming a victim, and how you can help someone that you suspect may be experiencing financial exploitation.

Protecting a Child with Special Needs Long After You're Gone
Thursday, October 22nd at 12:00

BJ Kilgore and Brian Lawler discuss planning considerations for minor and adult children with special needs. Mr. Kilgore and Mr. Lawler will define the broad term “special needs” and how to address special needs planning for minor children vs. adult children. In addition, Mr. Kilgore and Mr. Lawler will discuss public and private benefits that may be available to special needs individuals. This segment will also contain a discussion about the role of special needs trusts (and the ins and outs thereof) for minor and adult children. Finally, Mr. Kilgore and Mr. Lawler will discuss other planning considerations including, lifetime gifting, powers of attorney, guardianships, living arrangements, and the individuals who should (or should not) be appointed to act on behalf of the special needs child.

Guardianship and Alternatives to Guardianship
Tuesday, October 27th at 12:00

Disease, disability, illness, or injury can render adults unable to make or communicate decisions, or manage their own affairs. When this happens, another responsible individual needs the legal authority to assist with healthcare, financial, and legal decision making. Steve Grabenstein and Heather Goldstein will discuss judicial proceedings to determine the competency of an adult and appoint a suitable guardian, as well as alternatives to guardianship including powers of attorney, family mediations, and trusts.

Tax Considerations in Estate Planning: Estate Tax, Gift Tax, Income Tax, Capital Gains Tax
Thursday, October 29th at 12:00

John Kelso and John Veazey discuss how various tax planning issues should be considered in estate planning. Estate taxes are a primary consideration, both under current law and potential future law. Other taxes can be affected by your estate plan as well - income and capital gains tax in particular. How you structure your plan can affect the "step up" in cost basis received by your beneficiaries, and (especially with retirement plans) can affect the income taxes they pay.

That's Not What Momma Wanted! Resolving Estate Disputes Before and After Someone Dies
Tuesday, November 3rd at 12:00

Steve Grabenstein and Koral Alman discuss the various avenues for resolving estate disputes—both before someone dies and after death. Topics will include the availability of Living Probate, a tool to resolve disputes prior to death, Family Settlement Agreements which stipulate the treatment and disposition of estate assets after a loved one’s death and the role of mediation, both pre and post litigation.

Planning Ahead for Incapacity with Advance Medical Directives and Healthcare Powers of Attorney
Thursday, November 5th at 12:00

Advance directives are legal documents which preserve an individual's fundamental right to control the decisions relating to end-of-life medical care, once a person is no longer able to articulate those decisions due to mental or physical incapacity. BJ Kilgore and Lucas Moomaw will explain how living wills and durable healthcare powers of attorney can help ensure that your family, friends, and health care professionals follow your wishes when you can no longer express those wishes, and also help reduce the stress and confusion that can arise when those wishes are left uncertain.

Paying for Long Term Care Without Breaking the Bank
Tuesday, November 10th at 12:00

People are living longer than ever before, and most will require some caregiving at the end of life. Brian Lawler and Heather Goldstein will review legal strategies for planning and paying for this care, including: Medicaid eligibility as a planning strategy, how to protect assets for your spouse and (some) children, when you should -- or should not -- apply, advanced planning versus crisis planning, and the five-year lookback rule.

Trust Planning: A Discussion on Revocable and Irrevocable Trusts
Thursday, November 12th at 12:00

John Veazey and Koral Alman discuss trust planning, including a discussion of when a trust is and is not a useful tool, the pros and cons of a trust as part of your estate plan, and a brief summary of several types of trusts, including revocable trusts; irrevocable trusts for beneficiaries; irrevocable life insurance trusts (ILITs); and charitable trusts.

"Ready… Aim…Plan!" – Effective Estate Planning for Firearms
Tuesday, November 17th at 12:00

Gifting firearms to beneficiaries under an estate plan requires special considerations, including compliance with state and federal firearm laws. A poorly prepared estate plan concerning the passage of firearms, or a plan that does not specifically address firearms, can create significant risks and unintended problems for your loved ones. John Kelso and Brian Lawler will discuss the methods of dealing with firearms in an estate plan, including the use of Firearm Trusts or lifetime gifts, and examine some of the risks of firearms planning.

Can We Do That? Modifying and Terminating Irrevocable Trusts
Thursday, November 19th at 12:00

North Carolina has allowed trusts to be modified or terminated in certain situations for over ten years. Yet, many beneficiaries and trustees remain unaware of the tools available to them to address issues or shortcomings in a trust. Join John Veazey and Steve Grabenstein as they discuss the steps involved in modifying or terminating a trust and when these tools, and others such as decanting, make sense.