



# TRUST AND ESTATE PLANNING NEWS

The Good News, Bad News, and Important Information  
From Your Friends At Unruh, Turner, Burke & Frees

SUMMER 2014

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**Welcome to Summer!**

## Exclusive Resources and New Information for UTBF's VIP Clients

By David M. Frees, III, JD | Questions, Answers, Resources and Invitations to fun events...We love our clients and have some great stuff for you!

In this issue we have some great resources for YOU. But first, let's get the real fun out of the way.



### Summer And Fall Social Events For Clients And Friends Of The Firm:

Over the next few months we'll be hosting at least three great events including 1) a small Indian food dinner at Robin and David's Malvern home (pictured below), 2) a small dinner for 12 that David and Robin are hosting at Forbes Media in New York City (this is a once in a lifetime experience), and 3) a larger event this fall which is our traditional beer or wine event. And if you've never been to this it's time to try it.

Since they are smaller and limited events we cannot take everyone, but feel free to let us know if you're interested in any of our events and we'll get you on the guest list for one or more! And we love when clients introduce us to friends and family members so at some events you can also bring a friend or another couple. In any case, if you're interested in joining us, please call Lisa or Tammy at 610-933-8069 and let them know you want to be on the invitation list for our events.

**VIP Client Resources:** For your convenience, we are building a VIP client section of the firm's Trust, Estate and Wealth Preservation website: [www.PaEstatePlanners.com](http://www.PaEstatePlanners.com). VIP clients log in to get exclusive content and will be filled with great resources like podcasts, videos, and articles answering your specific questions. *Continued on Page 4.*



## Do You Want To Protect Your IRA For Your Children? If So, A Trust Might Have To Be The Beneficiary.

By Douglas L. Kaune, JD



**A Crack In The Walls Of IRA Protection: *The Clark Case.*** In April of 2013, an important federal court held that funds in an individual retirement account (IRA) inherited from someone other than the debtor's spouse are *not* "retirement funds" and are, therefore, available to pay creditors of the debtor/heir. **This is a major departure from previous law and is a huge red flag for those who want to make sure that the IRAs or Retirement Assets that they leave to their children are protected from law suits.**

Since there are two Circuit Court cases in direct opposition with one another, the U.S. Supreme Court will hear the Clark case on appeal. The ultimate U.S. Supreme Court decision should give us an answer as to whether or not an inherited IRA receives the same bankruptcy protections as one's own IRA. That being said, the *Clark case* highlights the fact that assets, including inherited IRAs and Retirement Assets, owned by individuals are not as secure as we would like. It is scary to think that you could leave hundreds of thousands or even millions of dollars of Retirement Assets to a child only to have them lost to litigation matters. Luckily, we have estate planning solutions for you.

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## Give Yourself a Checkup - Here's an easy, free skin exam you can do a couple times a year.

As spring ends and summer begins, it's a great time to start regular self-exams for skin cancer. It's important because according to the Skin Cancer Foundation, more than 3.5 million skin cancers are diagnosed each year. And, each detection matters.

Look for moles or other skin spots that are asymmetric; have an irregular, scalloped or poorly defined border; varying colors or that have changed in size, shape or color. Melanomas are usually larger than a pencil eraser.

Follow these steps to be sure you examine your entire body. Look at the front and back of your body in the mirror. Raise your arms and look at right and left sides. Bend your elbows and look at your forearms, upper underarms and palms. Next, look at the back of your legs, between your toes and your soles. Don't forget to check the top of your head, back of your neck, behind your ears and scalp.



For tips on protecting your skin this summer, please go to <http://www.skincancer.org/healthy-lifestyle>

## Big Bold Homemade BBQ Sauces

From Chris Hastings of Hot and Hot Fish Club (for more recipes check out his cookbook - <http://www.hotandhotfishclub.com/cookbook/>)

Use half to baste meat, the other half to spoon over meat. Heat the following ingredients in saucepan over low heat: ½ cup of butter (unsalted), ½ cup Worcestershire sauce, ½ cup lemon juice, 4 smashed and peeled garlic cloves, 1 dried arbol chile pepper, 2 tsp kosher salt, 1 spring rosemary, 3 springs thyme.

Dave Frees' Secret BBQ Sauce Revealed: Sauté ½ cup of minced onion and 2 cloves of minced garlic in 1 tbsp of oil & butter. Add 1 cup of catsup, ¼ cup of Worcestershire sauce, ¼ cup of strong coffee, 1 tbsp of brown sugar, white or apple cider vinegar to taste, 1 tsp salt and Dijon mustard. Warm over medium heat and reduce to bbq sauce consistency, stirring often. Cool.

Call Lisa at 610-933-8069 to let us know which one you tried and win a prize!



## Important Dates in History

July 1, 1862 – IRS Established

July 7 - Running of the Bulls  
(whether or not you are going, please get your estate planning updated!)

July 20, 1969 – First Landing on the Moon

## French 75 Summer Cocktail Serves 2

3 oz Gin  
2 oz lemon juice  
2 oz simple syrup  
4 – 6 oz champagne

Add gin, lemon juice and simple syrup to a large mixing glass. Shake with ice until well blended. Put a garnish of lemons, oranges and even strawberries on two tall ice filled glasses.

Strain cocktail into glasses, add champagne, stir and top with mint sprig, if desired!



## STAFF SPOTLIGHT

Paralegal Bridget Mahoney, a graduate of Washington College and a Montgomery County native, still makes time to ride and show horses, and is soon to get much busier as a Villanova law student! We congratulate her and hope that she will find time to put in a few hours at the Estates and Trusts office once her studies are underway! Here are a few questions we always wanted to ask Bridget.

**What is the first website you check in the am?** “CNN followed by my email.”

**Your favorite movie?** “The Departed or The Bourne series.”

**Best advice you've received?** “My grandfather always told me to not rely on others to make me happy or to provide for me. Instead, I should position myself in my life to make myself happy and to be able to provide for myself.”

**Favorite philanthropy?** “The Susan G Komen Foundation, as breast cancer has and continues to affect so many women around the world, including in my family.”

**Current state of mind?** “I am excited and hopeful as I am about to embark on the next chapter of my life - attending law school!”

**IRA (Continued from Page 1).** How Do We Build Stronger Walls Of Protection For Inherited IRAs, Retirement Assets And Other Assets? We don't suggest waiting around for the Supreme Court to issue a determination in the *Clark Case*. Even a Supreme Court ruling in the *Clark Case* affirming the protected nature of inherited IRAs in a bankruptcy matter will still only serve to cover a limited scenario and will not insure that IRAs and other inherited assets are protected from all claims and litigation confronting your beneficiaries. So, be proactive and create better protection for your heirs.

How? Instead of leaving IRAs outright to your beneficiaries, consider creating creditor, asset and divorce protection trusts for each of your beneficiaries. These beneficiary trusts can be written into your Wills or Revocable Trusts. Some of the benefits of these asset protection trusts are as follows:

1. If desired, your adult, capable beneficiaries can act as the Interested Trustees of their own separate trusts.
2. Inherited IRAs, Retirement Assets and other assets paid to the trusts will enjoy substantial divorce, creditor and asset protection.
3. Although the trust language will exist in your Will or Revocable Trust, the beneficiary trusts can be funded after your death.



How Do You Insure Inherited IRAs and Retirement Assets Get The Trust

Protections You Want? Assuming you have established the trust language referenced above, you must also confirm that the trusts also have the necessary language to allow the trustee (adult trustee/beneficiary) to take required minimum distributions as slowly as the law will allow. When we prepare estate plans for clients who want IRA protection, this language is included as a necessary part of any such trust planning.

IRA and Retirement Assets will not automatically be paid to trusts you have established under your Will or Revocable Trust. The beneficiary designations on these and other accounts will take precedence over your Will or Revocable Trust. You must take great care to obtain new beneficiary designation forms for each asset, to modify the forms, and submit the forms to the company holding your account. As a part of the planning process, we will typically provide you with detailed sample IRA and Retirement Asset beneficiary designation language that you could choose to utilize in order to insure that these assets are properly paid to the intended trusts. I authored a great guide to assist clients through the process of modifying beneficiary designations. If you would like to receive a free copy of *Beneficiary Designations And Your Estate Plan*, please call the office at 610-933-8069 and we will be glad to send one to you.

The *Clark* decision, the first of its kind at the appellate level, creates a new risk that IRA money left to heirs will not be protected from creditors if those heirs endure serious financial setbacks. As we have all come to know through the experiences in our lives, nothing is completely protected and safe. But, we can help you to take steps that bolster the protections. Regardless of how the *Clark Case* shakes out at the Supreme Court level, it is within your power, right now, to substantially increase the creditor, divorce and asset protection afforded the IRAs, Retirement Assets, and other assets you intend to leave for your beneficiaries. For a risk assessment consultation by one of our attorneys and review of your plan and beneficiary designations, please contact the office at 610 933 8069 to schedule a meeting or telephone consultation.

**Natural Seasonal Allergy Remedies Worth Trying!** If you can't avoid going outside when the pollen count is high, curb your symptoms without the side effects! 1) **Wasabi** – a compound in this condiment suppresses chemicals that cause nose-closing inflammation. 2) **Run on a treadmill** for 30 minutes and ease your sneezing,



nose and nasal itching and congestion. 3) **Compress and eye drops.** Use a lubricating eye drop product like Blink to dilute allergens then apply a frozen gel pack for a few minutes. 4) A **Neti Pot** used 3 times a week will flush allergens from your nasal cavity. 5) **Spirulina** has anti-inflammatory properties. Try taking 2,000 milligrams a day to reduce runny nose and sneezing. Check today's pollen count here: <http://www.pollen.com/allergy-forecast.asp>



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[www.utbf.com/trust-estate](http://www.utbf.com/trust-estate)

[www.paestateplanners.com](http://www.paestateplanners.com)

[www.paelderlawsolutions.com](http://www.paelderlawsolutions.com)

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**VIP (Cont from Page 1)** These questions include FAQ's and SAQ's (should ask questions) on issues about family estate planning and family businesses, protecting your assets, life style resources on travel, food and more, business issues, estate and inheritance taxes and elder law issues related to older parents and grandparents as well as nursing home care. While we build that resource for you we wanted you to have a quick list of great resources. So here are a few samples of what's to come:

**Executors Can Make Mistakes! Make Sure That Yours Doesn't.** Are you named as an executor or considering who should act as your executor? Download a free copy of our report The Ten Most Common Mistakes Executors Make and How To Avoid Them. Click on link or type in: <http://bit.ly/1pMyQZP>

**Your Estate Planning Isn't Done Until You're Sure About The IRA, 401(K), Annuity And Other Beneficiary Designations.** Remember to check your IRA, 401(k), 403(b), life insurance, annuity and other beneficiary designations. If they're not carefully coordinated with your will and trust planning, you could have an estate plan that fails to work or that costs your heirs tens to hundreds of thousands of dollars. To help, we created this Beneficiary Designations Report. Download a copy here: <http://bit.ly/1hR9A4H>

**Do You Have A Blended Family?** Then you have more complicated estate planning issues. Read this quick article on blended families and unique estate planning issues. Click on link or type in: <http://bit.ly/1iqERG6>

**Are You Up To Speed On All The Recent Changes To Federal Laws Regarding Estate Taxes and The Current Thinking On Estate and Trusts?** Download a copy of our 2014 edition of enhanced estate planning! Click on link or type in: <http://bit.ly/1nysXyo>

There are hundreds of reports, videos and articles to help you to answer your questions about your own estate planning, trusts, wills and other techniques as well as questions you might have about elder law and nursing home planning. **To get more, visit our site [www.PaEstatePlanners.com](http://www.PaEstatePlanners.com) and stay tuned to this newsletter for more resources. See you soon. Dave Frees**



Offices of UTBF Attorney David M. Frees, III, Douglas L. Kaune, and Whitney O'Reilly  
Please call 888-605-6482 and mention you read the "UTBF NEWSLETTER", we are  
happy to assist you with any questions concerning your estate planning.