



Trust and Estate Planning News and Updates

The Good News, Updates, and Important Information From Your Friends at **Unruh, Turner, Burke & Frees.**

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6 IMPORTANT 2015/2016 END OF YEAR PLANNING TIPS, STRATEGIES & ACTIONS | By David M. Frees, III, J. D.

By the time you get this article, there will only be a few days or weeks left to complete important end-of-year tasks. So let's prioritize and make a few suggestions. Not all of these will be right for you but better to know about them and to make an informed decision.



1. Gifts to children, grandchildren and others. First, if you wish to make gifts to children, grandchildren or other members of the family (even friends and non-related family members can be included) the Internal Revenue Code allows you to gift, in 2015, up to \$14,000.00 per person per each. NOTE: The same will be true for 2016.

A married couple could, therefore, conceivably give \$28,000.00 each to a child and/or grandchild. SECRET TIP: Make sure that the **checks are cashed before the end of the year or the IRS can argue that it was not completed in 2015.**

If you're making a gift of appreciated stock or other appreciated assets be sure to consult us or your tax advisor as your children will get your basis in the property. Once again, these gifts need to be completed before the end of the year. SECRET TIP: Be sure to consult your estate planning attorney and/or accountant as many gifts require the filing of a Form 709 gift tax return on or before April 15 (or October 15th if you apply for an extension of time to file).

2. Want to make a larger gift? If you're planning on making a large gift before the end of the year or at any time next year remember that in addition to the annual gift tax exclusion that you get to give every year you can also give up to \$5,340,000.00 during your lifetime or at death. This will adjust to \$5,450,000.00 in January of 2016.

However, any such gifts require that a gift tax return be filed and they reduce the amount available to you to shelter in your estate at the time of your death. So if you're considering a larger gift give us a call and we can give you advice about the best way to structure it.

Want the answers to the 4 questions below? [Click here](#), go to <http://bit.ly/1MJ8K2z>, or call Lisa at the office for a copy of the full article.

- 3. Is it time to graduate from a will to a trust?**
- 4. Do you need a nursing home trust?**
- 5. What should you do about the Clark estate and IRAs?**
- 6. Do you need an insurance check up?**

Everyday Hacks & Cheats! In a large shopping mall, take a photo of the directory board on your phone so you don't have to keep going back.

Buy a can of wasp spray and keep next to your bed. Works as a can of pepper spray but with a 20-foot reach!

Google for PDF's of manuals for things you own or when you buy them. Manuals get lost, thrown out, misfiled. PDF's remain on your hard drive and are backed up.

HOLIDAY 2015

Secrets and Info Inside This Issue

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Our Contest Winner

We are happy to announce that Sara and Eric Zalesky are the lucky 2015 iPad mini winners! Dave Frees drew the winning name on October 15th.



You could be our next prize winner. See our upcoming newsletters for contest announcements!

What We Are Thankful For At UTBF!

We wanted to share the sincere and sometimes silly things we are thankful for as we enter the holiday season.

Denise Fox – “I am thankful for many things, most of all my family, good health and a great work environment where I can make a difference and work with an awesome group of people every day.”

Dave Frees – “We all have so much to be thankful for...our health, our families, my great team at UTBF who look out for you and for me and who always try to do the right thing!”

Doug Kaune – “I am thankful that I am surrounded by great family and friends who distract me from just how bad the professional sports teams in Philadelphia are this and most other years! Put in that context, it should really tell you how strongly I feel about all of the wonderful people I share my life with. :)”

Tammy Myers – “I am thankful for the love and happiness that comes from FAMILY. I was lucky enough to have the best mom and dad in the world who laid the foundation of the importance of family.

I am also thankful for my best friend and husband of 30 years; my amazing children who make my heart burst with pride and who I love with all of my heart; my loving sisters and brother; my extended family; my devoted dogs; wonderful friends and co-workers; and a job that I enjoy going to each and every day...well, just about every day...except Mondays and gorgeous days in the summer when I could be laying by the pool or on a beach somewhere.”

Whitney O'Reilly – “Getting to know, spend time with and hearing stories from my clients is such a wonderful blessing. I am so thankful to get to be a part of this great community of exceptional lawyers and the amazing clients we represent.”

Laurel Paul –“ I'm thankful I get to spend this holiday season with my family because they live far away and we don't get to see each other often.”

Lisa Snyder – “Having both my work family and home family happy is what I am most thankful for! Every time my 14 year old dog Scotty sleeps all night (which isn't that often), I am thankful for a good night's sleep!”



WE WISH YOU A WONDERFUL HOLIDAY SEASON.

IMPORTANT DATES & TRIVIA

Nov 15 – **Reminder: Annual gifts must be completed before Dec 31st**

Dec 6 – Start of Hanukkah



Dec 22 – First Day of Winter



Dec 25 – Christmas Day

Dec 26 – Boxing Day



Jan 1 – Happy New Year's Day

Jan 18 - Martin Luther King Jr. Day

Feb 2 – Ground Hog Day

Feb 7 – Super Bowl Sunday (50th)

Feb 9 – Mardi Gras



Feb 15 – President's Day

UTBF in the Community |

David and Robin Frees hosted 30 clients & friends of UTBF at a late summer BBQ at their home. **(To be added to our client activity list, call Lisa at 610-933-8069.)**



Dave hosted a client lunch in NYC with Steve Forbes, Editor-in-Chief of Forbes Media.



Whitney O'Reilly participated in the Phoenixville Area Community Services (PACS - www.pacsphx.org) annual “Empty Bowls” event on Nov 6. Local artists provided beautifully crafted empty pottery bowls to nearly 600 people to raise funds and awareness for local and global hunger.



Look for Dave, Doug and Whitney to be featured in the December issue of SuburbanLife Magazine.

“Crisis Medicaid Planning” Upheld in Zahner Case | Douglas L. Kaune, JD



Protecting assets from the rising cost of nursing care has become a very important concern for aging Pennsylvania residents. So over the next year we will be preparing articles for you on how to protect these assets for yourself and for your family. In this issue, we will discuss “crisis planning”. Immediate annuities are among the tools our elder law attorneys use to help both single and married nursing home residents qualify for Medicaid coverage to either: 1) protect the standard of living of the healthy spouse at home; OR 2) help preserve assets for the families of unmarried or widowed nursing home residents.

First, many spouses of nursing home residents face a dramatic reduction in income when the nursing home spouse qualifies for Medicaid. Purchasing an immediate annuity can convert assets into an income stream for the healthy spouse while avoiding a penalty for transferring assets.

Second, an institutionalized individual can buy an annuity that will provide income to pay the nursing home while waiting out a Medicaid ineligibility period caused by a gift made within the previous five years. Often, these latter annuities are of short duration, usually only as long as the penalty period.

For a better understanding of this strategy, click here to read my earlier article on the [“Reverse Half A Loaf” crisis Medicaid planning](#), or type in: <http://bit.ly/1JhZa56>. And, there is also a recent federal court case that’s good news if you need nursing home care.

The Zahner Case And How It Helps You: Some states, including Pennsylvania, have maintained that short-term annuities, usually two years or less, are still subject to a transfer penalty. This should change now that the Third Circuit Court of Appeals has ruled that Pennsylvania’s Medicaid officials must accept applicants’ short-term annuities, and that these types of annuities cannot be counted as resources and be made subject to penalty. *Zahner v. Secretary PA Dept. of Human Services* (3rd Cir., Nos. 14-1328, 14-1406, Sept. 2, 2015). This was a huge win for the Elder Law community and for anyone who finds themselves in need of Medicaid asset protection planning.

Read the full article, please [click here](#) (or go to <http://bit.ly/1WPqvTe>) for more details on how the Zahner case helps you. Or call Lisa at 610-933-8069 to have a copy of the article mailed or emailed to you.

CLIENT SPOTLIGHT | Jason Wingard



Dr. Wingard is a client and Dean and Professor of the School of Continuing Education at Columbia University. Dr. Wingard is also President and CEO of The Education Board, Inc., a boutique management consulting firm. His current books include *Learning to Succeed: Reinventing Corporate Education in a World of Unrelenting Change*; and *Learning for Life: How Continuous Education Will Keep Us Competitive in the Global Knowledge Economy*. He lives with his wife and five children in Chestnut Hill, PA. He graciously answered some questions for us!

What is on your night stand? MP3 with loop of Miles Davis; the Bible, and fresh juice (apple, pineapple and ginger)

What are you reading? NYTimes – Opinion Pages **First website you check in the morning?** Washington Post

Favorite city? Toronto **Favorite getaway?** St. John **What do you never travel without?** Running shoes.

Favorite restaurant? Alma de Cuba, Philadelphia **Favorite movie?** Crash **Hero or heroine?** My parents

Your investment philosophy? Diversification and patience for the “long run”

Best advice you’ve received? Love everyone **Favorite philanthropy?** United Cerebral Palsy

Your most treasured possession? My wife and children **Current state of mind?** Blessed and highly favored

What trait do you deplore in others? Selfishness **Your greatest extravagance?** Juice and smoothies

When or where are you happiest? With my wife exploring somewhere new

Your greatest regret? Investing in Palo Alto residential real estate in 1997 (Editor’s note – yes, that was rough!)

If you can change one thing about yourself, what would it be? My patience

Where would you like to live? Close to family and good friends

What do you value most in your friends? Finding joy in simple pleasures

Holiday Recipes | Check out the stuffing recipe – it turns out better than usual because of a secret ingredient (call Lisa at the office if you want to know what it is). It can be made with a vegetable broth rather than chicken broth for vegetarians. Next is a Ginger Cookie, just perfect for the holidays!

Gluten-free Stuffing - Ingredients: 7 cups gluten-free bread cubes, 6 tbsp butter, $\frac{3}{4}$ cup chopped onion, $\frac{1}{3}$ cup chopped carrot, $\frac{1}{3}$ cup chopped celery, 2 tbsp dry parsley, $\frac{1}{2}$ tsp sage, 1 tsp garlic, $\frac{2}{3}$ cup dried cranberries or raisins, 1 $\frac{1}{2}$ cups gluten-free chicken (or vegetable) broth, 2 large eggs. Preheat oven to 400 degrees F. Spread the bread cubes on a baking sheet and bake for 8 to 10 minutes. Remove and cool. Melt butter in a large sauté pan, add the onion, carrot and celery and sauté until translucent. Remove from heat and cool. Combine the sautéed veggies and toasted bread in a large bowl. Add the dry herbs and cranberries to the bowl and mix by hand. Add the stock $\frac{1}{2}$ cup at a time until the bread is moist but not soggy. Add the eggs and mix together by hand trying not to break up the bread. Grease a 9 x 13 casserole dish with butter and fill with the bread mixture. Bake for about 30 minutes. It's done when top is golden brown and center is no longer wet. Remove from the oven and serve hot.



Ginger Cookies - Blend together the following - $\frac{1}{2}$ cup butter, $\frac{3}{4}$ cup sugar, $\frac{1}{2}$ cup molasses, then add one egg and mix well. Sift together 2 cups flour, $\frac{1}{2}$ tsp cinnamon, $\frac{1}{2}$ tsp nutmeg, 1 tsp ginger, 1 tsp baking soda $\frac{1}{2}$ tsp salt. Combine all the ingredients together in a big bowl and mix well. Heat oven to 350 degrees F, drop full rounded tsp of batter on greased cookie sheet; bake until set, but not brown, between 8 to 10 minutes. Cool and Enjoy!



Offices of UTBF Attorneys
David M. Frees, III,
Douglas L. Kaune, and
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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.

Coming Soon in UTBF News & Updates

- Dave's New Book
- More Elder Law Secrets
- Quick Ways to Destress
- More Reasons to Sleep

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Quote of the Month:

"For how could we do what justice requires if we are distracted by things that don't matter..."

Meditations by Marcus Aurelius

Last Chance!

Are You One Of Our “Friends or Family” and 65 or Older?

Ready to really, and at long last, “get things more organized,” feel better, and to eliminate or minimize the expenses, confusion, taxes and fees for your surviving spouse, children or grandchildren?

It’s easier than you think to update your planning from a will to a trust, to update your documents, and to get all the benefits of the new laws at our old pricing.

Don’t miss this chance to get **A FREE WILL OR TRUST REVIEW** at our discounted client 2015 pricing for updates and trusts when you come in 2016 after the holidays.

It’s also fast and easy. Just one questionnaire and two appointments are usually all you need to take your estate planning and elder law planning to the next level.

WHAT SHOULD YOU DO TO GET THESE “FRIENDS and FAMILY” benefits?

If you’ve had a will or trust review within the last three (3) years you’re probably already OK.

If it’s been more than three (3) years since your last check up, you should have a complimentary client will or trust review. Or, if you’ve had an inheritance, bought more insurance, had a child or grandchild...a remarriage, or divorce...and you’re wondering if you should change anything, please feel free to call.

Just call Lisa or Tammy at 610-933-8069 to schedule it. The first twenty appointments get our discounted client 2015 flat fees even in 2016. Why a limited number? Well, we have only so many spots left in January, February, and March of 2016. And these reviews are careful and time consuming for the attorneys.

Finally, want to get your affairs way more organized and save your heirs even more?

CONVERT FROM A WILL TO A TRUST.

Consider going from a will to a living trust and pour over will. To see if that’s for you, call Lisa or Tammy for a phone consult, and if we think you’re a good candidate to save money for your heirs we can schedule an appointment to take you from the will to a trust. **CALL 610-933-8069.**

UTBF Trust and Estates Facebook Page is Live!

Do you Facebook? If you do, please “Like” our page to see notifications of the latest news in estate planning as well as participate in contests, share recipes and other information. If you are already on Facebook, it’s easy to find our page, just type in www.facebook.com/UTBFTrustEstates and you will quickly find our Phoenixville office page. We are looking forward to being more connected to our clients through Facebook, and hope that you find our page both informative and entertaining!



“How You Can Easily, Safely, (and Legally) Protect Your Assets For Yourself and Your Spouse and Family From Nursing Home and Long Term Care Costs Even If You’ve “Waited Too Long” and In the Face Of Increasing Government Rules and Regulations.”

So there’s no question that nursing home and long term planning is better and can be more effective when it’s done early, and while you’re healthy and well.

And it’s also true that government Medicaid regulations are getting tougher, stricter, and more confusing and convoluted.

They are making you spend more (or perhaps even all) of your assets even as the costs of this care are rising.

However, most people don’t even realize that:

- 1) You can still protect your assets even in a crisis situation where you are facing the immediate need for care.
- 2) You can benefit from elder law and long term care planning even if you have some long term care insurance – in fact, the two work well together.
- 3) You can use these planning strategies to protect a spouse, yourself, and your heirs.
- 4) Revocable trusts, joint accounts, and giving away your assets, or “just giving away the house” no longer work and can actually hurt you or your relatives.

WHAT SHOULD YOU DO TO GET THIS DEAL?

If you’re 55 or over and want to protect your assets for a spouse and or other loved ones and still want to make sure that your own care is protected and that you’re not disqualified from Medicaid, then call Lisa or Tammy for an appointment with one of our elder law attorneys and our elder law team.

610-933-8069. MENTION THIS PROGRAM TO GET THE BEST PRICING.

For the first 5 nursing home and long term care consultations of 2016 we will waive the regular \$250.00 consultation fee and you will be guaranteed to get our existing client 2015 discounted fees. After that our 2016 pricing will apply.