



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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STRESS TEST YOUR WILL FOR THIS PROBLEM: This Quick 3 Minute Quiz Will Tell You What You Need To Know (And What Happens If You're Not Up To Date) | By: David M. Frees, III

Do You Have The One Type Of Estate Plan That Used To Be Essential But Can Now Actually Cost Your Surviving Spouse and Heirs Time, Trouble, and Money?



If you do, it may be time for a change...**read on to find out how to know and how you can get a free check up to be sure.**

The Background: For decades (specifically from 1981 until the end of 2012) smart clients and their trust lawyers used what they call A/B trusts to do effective estate and tax planning.

Those trusts were “state of the art” for clients with estates higher than \$600,00 dollars (and that included life insurance). They were used to protect assets for the surviving spouse from creditors and to protect the children and other heirs from high estate taxes. In those days, the top federal estate tax rate was 55% so they were worth doing even though the surviving spouse would have to keep trust records, have a co-trustee, and file one or two extra income tax returns for the trust(s).

In many cases, you could save the family hundreds of thousands of dollars in taxes but the trusts were mandatory! They had to be formed when the first spouse died. No choice. BUT, on January 4 2013, Congress made a major change in the law and now having those A/B trusts may not only be unnecessary, they might also be a disadvantage. And, once your will or trust is upgraded, the surviving spouse can have much more flexibility thanks to the new law. Now we know that taking out your old wills and trusts is not a popular pastime.

And, even if you get out the dusty old document would you know whether or not you had this type of trust? Finally, and to make it more confusing, there are still some cases where the old A/B trust makes the most sense.

So who needs to worry and what should you do? **Well, we have a 5 minute quiz in this month's insert to help you to know if you have this problem**, and a quick, easy, free and painless solution so you can be sure you have what you need and not an outdated or problem will or trust. **Read the yellow insert or if on-line, scroll to the end of the newsletter for the insert.**

SUMMER 2016

Secrets and Info Inside This Issue

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Page 3 – Changing And Ending Irrevocable Trusts?

Everyday Life Hacks & Cheats

Bookmark restaurant menus on your phone, take a quick picture as you read a newspaper review or as you walk by restaurants by that seem interesting. It will be so much easier to remember that new place you want to try.

Don't pay ATM fees any longer, do your research - there are plenty of local banks out there that now offer no monthly fees, no foreign transaction penalties, and will even refund any ATM fees you might incur from other banks.



Breathing your way to stress control

Alternate nostril breathing is a yoga technique that is easy to learn. These movements force you to mindfully pay attention to what you are doing, activating a relaxation response. Ready to try it? Sit in a comfortable position. Breathe in deeply through your right nostril while pressing the left side closed. Then exhale through the left nostril while pressing the right side closed. Next inhale through the left nostril (right nostril still closed), then close the left nostril and exhale through the right. The exhalations should take about twice as long as the inhalations. Repeat this whole sequence for up to five minutes. Try to do this once a day, you will be amazed at how quickly this works! Note: If your nostrils are clogged you won't be able to use this technique, try a short meditation instead.

Need an excuse for a nap? Or Need more sleep?

Middle-aged adults with high blood pressure who take a 60 minute nap every afternoon had average blood pressure readings that were four points lower than those who didn't nap.

In a recent study, adults who slept six hours or less a night were four times more likely to get sick within five days of being exposed to a common cold virus, than those who slept seven hours or more. Adequate sleep is essential for a healthy immune system.

Research has found that napping regularly may reduce stress and even decrease your risk of heart disease.

How long should you nap? The 20-minute power nap is good for alertness and motor learning skills like typing and playing the piano. What happens if you nap for more than 20 minutes? Longer naps help boost memory and enhance creativity. Napping for approximately 30 to 60 minutes is good for decision-making skills, such as memorizing vocabulary or recalling directions. Getting rapid REM sleep, usually 60 to 90 minutes of napping, plays a key role in making new connections in the brain and solving creative problems.

As a nation, the United States appears to be becoming more and more sleep deprived. It may be our busy lifestyle that keeps us from getting that 7 to 8 hours of sleep each night. While naps do not necessarily make up for inadequate or poor quality nighttime sleep, a short nap of 20-30 minutes can help to improve mood, alertness and performance.

IMPORTANT DATES & TRIVIA

May 30 Memorial Day: Honor those who made the ultimate sacrifice

June 12 Peanut Butter Cookie Day: See below.

June 19 Father's Day: Honor those Dads!

July 4 Independence Day: Celebrate the formation of our nation

Sept 5 Labor Day: A long weekend that honors the workers who made America

Recipes | Peanut Butter Cookie Day is June 12 – here is an easy gluten free (and delicious) recipe to try!

Flourless Peanut Butter Cookies:

1 cup peanut butter (natural if possible)

1 cup sugar

1 tsp vanilla extract

1 large egg

Some sea salt (if desired)

Add chocolate chips for an extra treat.

Preheat oven to 350 degrees F. Lightly beat egg in a medium size bowl then add the peanut butter, sugar and vanilla (and chocolate chips) – mix until well combined.

Take 1 tablespoon of mix per cookie and put on ungreased cookie sheet. Flatten with a fork to make classic cross hatch pattern on cookies and sprinkle a bit of coarse sea salt on top. Bake about 10 minutes, until golden on edges. Cool on racks.

Go to [facebook.com/UTBFTrustEstates](https://www.facebook.com/UTBFTrustEstates) to find recently posted recipes.



Did You Know Irrevocable Trusts Can Be Revised Or Terminated? | By Douglas L. Kaune

This article has been summarized for space reasons in this newsletter, for the full article, please go to:

<http://bit.ly/UTBFtrust1> | Are you the beneficiary or trustee of a Trust that was established a long time ago by a deceased family member? Does the Trust document lack the necessary language to invest or distribute assets appropriately under today's circumstances? Do you want to get more money from the Trust than the document presently allows? Is the Trust inefficient for income and estate tax purposes? Does the Trust fail to properly address your present family needs?



If the answer to any of these questions is yes, know that you do not have to be stuck with the Trust terms that might have been established by a parent, grandparent or great-grandparent. There are legal steps to either reform or terminate a Trust document that will serve to enhance the benefits the Trust can provide or perhaps close the Trust if that is the desired result.

You will need to determine if the Trust document provides someone the power or authority to modify the terms of the document. We try to build flexibility into our documents so that future generations have the ability to properly deal with the issues confronting them. There are many provisions our attorneys might include in Trust documents provide that flexibility, including a simple power granted to a Trustee to revise Trust terms, a Trust Protector appointed who has been given the authority to take care of the reformation of the Trust or a Decanting Provision allowing the Trustee or some other person to actually create a new trust, with new adapted terms into which the assets from the old trust are added.

Please note that even when these provisions exist, it is still very important to have legal assistance when carrying them out. You must consider how a change to the present Trust will impact each of the present and future beneficiaries. You should then consider preparing a family settlement agreement whereby the proposed change is described.

Article Continued on Page 4.

STAFF SPOTLIGHT ON DOUG KAUNE | By: David M. Frees, III

I have had the honor of working with Doug for years! You couldn't ask for a better law partner. He's a great husband, son, & dad and a lawyer who really wants to help his clients. Enjoy getting to know him even better!

What was the last book you read? **Live Wire by Harlan Coben**

First website you check in the morning? **Philly.com**

Favorite getaway? **Jackson Hole, WY**

What do you never travel without? **Sunblock**

Favorite movie? **The Shining, HEEEEEEEEERE'S JOHNNY!**

What do you value most in your friends? **Loyalty**

Best advice you've received? **Be a good listener**

Favorite philanthropy? **Children's Hospital**

What was the last gift you gave to someone? **Philadelphia Union Tickets**

What is your greatest extravagance? **Good food and live sporting events**

Where would you go in a time machine? **December 12 1980 to invest in Apple, Inc. as an IPO**

Current state of mind? **Unbridled enthusiasm or cautious optimism, not sure which**

What would you do if you won the lottery? **Hire David Frees, III to plan my estate.**

What living person do you admire the most? **My wife Amanda, how does she take care of three little boys and me?**

What trait do you deplore in others? **Arrogance**

What is your greatest regret? **Not studying abroad during college.**

Favorite weekend activities? **Going to the boys' games, playing in the backyard from dawn til dusk, going to the beach, catching a few hours out with Amanda alone.**

Favorite restaurant? **Dmitri's 795 S. 3rd St. Philadelphia: www.dmitrisrestaurant.com**



James, Doug, Thomas, Amanda and Jackson

Irrevocable Trusts (con't from page 3) If the obvious provisions just described are not in the Trust document, it does not mean that you've hit a dead end, it just means that additional steps might be necessary to make the desired changes to the Trust. Petitioning the Orphans' Court to request the reformation or termination of the Trust might be the next logical step. The Orphans' Court (the "Court") is the section of the Court of Common Pleas in each Pennsylvania County that oversees issues related to Estates, Trusts, Powers of Attorney and other fiduciary matters.

By presenting a good and logical case to the Court, it is possible to obtain permission to modify or terminate a Trust even if the power to do so was not set out under the document. The argument for why the Court should allow a Trust reformation will be set out under a Court Petition prepared by legal counsel. This should be done by an attorney who has experience in Orphans' Court matters. Again, it is best for all of the interested parties to be presented with a copy of the Petition in advance of filing. The interested parties would include the Trustee, present and future beneficiaries or legal guardians for beneficiaries.

If the interested parties are not all in agreement, the process is likely to more complicated and time consuming. That being said, if there is an overwhelming reason to change the terms of the Trust, it is still worthwhile to Petition the Court to demonstrate the harm that will result from keeping the present structure.

So, if you are party to an "old trust" that is failing in some way, consult with an experienced Orphans' Court attorney to review the Trust document and discuss the best approach for making a needed change. For assistance reforming or terminating a Trust or other Orphans' Court matters such as estate and trust disputes in Pennsylvania, please contact Douglas L. Kaune, Esquire at (610) 933-8069 or email him at dkaune@utbf.com.

To read the complete article, please go to <http://bit.ly/UTBFtrust1> To request UTBF Elder Law Reports: <http://bit.ly/ELReports> (Please call Lisa at 610.933.8069 if you need help accessing this information.)

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Coming Soon in UTBF News & Updates

- Long Term Care Resources
- End Of The Year Planning, Tricks And Must Do Strategies
- Ira Trusts: Why A Separate Trust Might Be Worth More Than You Can Imagine

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Quote of the Month:

"We must respect the past, and mistrust the present, if we wish to provide for the safety of the future." - Joseph Joubert

STRESS TEST YOUR WILL FOR THIS PROBLEM: This Quick Quiz Will Tell You What You Need To Know!

Do You Have The One Type Of Estate Plan That Used To Be Essential But Can Now Actually Cost Your Surviving Spouse and Heirs Time, Trouble, and Money?

If you do, it's time for a change....read on to find out how to know and how you can get a free check up to be sure.

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Why? In many cases, you could save your family hundreds of thousands of dollars in taxes but the trusts were mandatory! They had to be formed when the first spouse died. The surviving spouse had NO CHOICE.

BUT, on January 4 2013 Congress made a major change in the law and now having those A/B trusts may not only be unnecessary, it might also be a real disadvantage. **And, once your will or trust is upgraded, the surviving spouse can have much more flexibility thanks to the new law.**

Now we know that taking out your old wills and trusts and reading them is not a popular pastime.

And, even if you get out the dusty old document would you know whether or not you had this type of trust? Finally, and to make it more confusing, there are still some cases where the old A/B trusts make the most sense.

So who needs to worry and what should you do?

Well, we have a 5 minute quiz to help you to know if you have this problem, and a quick easy, free and painless solution so you to be sure you have what you need and not an outdated or problem will or trust.

Take The Quiz On The Next Page Then Come Back:

So..... How did it come out?

If you have an A/B trust, and it's prior to 2013, you should get a free consult because you almost certainly need an upgrade. Likewise, if you cannot find the originals and/or your executors, trustees, or guardians are no longer the right people then call for a free consult.

Still not sure? It's ok. It's not your fault. This is very complicated but worth thinking about. So, if you're a client just call **610-933-8069** for your free telephone review.

TAKE THE QUIZ

Question 1: **Can you find the original of your will or trust?**

If not, you should get an update because a copy cannot be probated without an expensive court hearing and your documents might also be out of date. **Just skip down to the free will review offer below.**

Question 2: **Did you do your will or trust prior to December 31, 2012?**

It's easy to check the date... it will appear on the back page near your signature.

If yes keep going...you may need to upgrade and update.

Question 3: **Does your will mention both a “Marital Trust” AND a “Credit By-Pass” or “Family Trust”?**

This is harder to check because different lawyers call these trusts by different names. If you're not sure, skip to the end for our free will review offer. **But if it does mention both you probably need and want to update.**

Question 4: **Does your will mention a “QTIP TRUST”?**

Now this one is tricky, but if you see QTIP, and you answered yes to either question above you probably need a check up. Just call the number below.

Question 5: **Are the executors, trustees, and guardians named in your will and/or trust still appropriate?**

If you answered “No” to this question then get an update whether or not you have an A/B trust.

If you answered yes, but you DO have a Marital or QTIP trust in your will, then you should still get an update. It might cost a bit but it will save your surviving spouse and heirs time and money.

SPECIAL CLIENT OFFER: At Unruh, Turner Burke and Frees we really do love our clients. And we try to keep you informed. We realize that you might or might not need an update so that these old trusts or wills don't cause problems for a surviving spouse or heirs.

So here's what we will do - If you'd like to know whether or not you need a new will just call Lisa or Tammy at 610-933-8069.

Tell them your will was done before 2013 and they'll set up a quick and easy call with one of our lawyers. They will review your will or trust and tell you if it's OK or if you need to update.

The review is complimentary for our existing clients. If you need to update or want to upgrade your will or trust to protect your children from divorce or lawsuits, then the attorney will quote you a discounted set fee (since you're already a client) and then you decide whether or not to update or upgrade.

See you soon. Have a great summer.

Dave Frees, JD | 610-933-8069