

David L. Smith and John D. Mabley's Legal Services

Asset Protection & Estate Planning

Estate Planning

David and John offer advice and analysis regarding all types of Wills and Trusts. Then, based on their client's needs, they create and implement ❖ Credit Shelter Trusts ❖ Marital Trusts ❖ Generation Skipping Trusts ❖ Family Assets Protection Trusts ❖ Living Trusts ❖ Power of Appointment Trusts ❖ Irrevocable Life Insurance Trusts ❖ Grantor Retained Annuity Trusts ❖ Qualified Personal Residence Trusts ❖ Special Needs Trusts ❖ and Medicaid Qualification Planning.

Creditor Protection Strategies

David and John offer advice and analysis regarding creditor protection strategies. Then, based on their client's needs, they create and implement ❖ Family Asset Protection Trusts ❖ Family Limited Partnerships ❖ Limited Liability Companies ❖ S Corporations ❖ Pre and Post Nuptial Agreements, and ❖ Living QTIP Trusts.

Charitable Estate Planning

David and John offer advice and analysis regarding charitable strategies. Then, based on their client's needs, they create and implement ❖ Charitable Remainder Unitrusts ❖ Charitable Remainder Annuity Trusts ❖ Charitable Lead Trusts ❖ Private Foundations, and ❖ Donor Advised Funds.

Educational Funding Planning

David and John offer advice and analysis regarding educational funding strategies. This includes 529 Plans and Uniform Transfers to Minor's Act Accounts as well as Grandchildren Education Trusts. In addition, David and John create and implement 2503(c) Trusts and Crummy Trusts.

Estate Planning for Retirement Plans & IRAs

David and John offer advice and analysis regarding strategies to defer income taxes. Then, based on their client's needs, they implement strategies to defer the maximum amount of income tax through proper use of the minimum distribution rules. In addition, David and John offer advice, analysis and services regarding ❖ The proper beneficiary designations ❖ Strategies to reduce estate taxes associated with qualified plan benefits and IRAs, and ❖ The proper integration of trusts with qualified plans and IRAs.

Planning for Special-needs Beneficiaries.

David and John offer advice and analysis regarding planning for a Special Child or other family member, to provide for that individual when you are no longer available to provide for their care. The planning includes: determining the needs of the family; maintaining eligibility for public benefits; creation of a Special Needs Trust by, Revocable Trust, Irrevocable Trust or Will.

Trust and Estate Administration

Estate Administration

David and John provide many estate administration services, including ❖ Representing the decedent's estate in Probate Court ❖ Preparing the Federal and State Estate Tax Returns ❖ Representing estates before the Internal Revenue Service ❖ Advising, analyzing and implementing strategies for funding Testamentary Trusts ❖ Administrating of Living Trust for the benefit of surviving spouse and children ❖ Advising, analyzing and implementing disclaimer strategies.

Probate

David and John provide many probate services, including ❖ Advising and analyzing probate strategies ❖ Implementing probate strategies to reduce time and expense and facilitate early distribution to heirs and beneficiaries ❖ Independent Administration ❖ Determination of Heirships ❖ Affidavits of Heirship ❖ Small Estate Affidavit Procedures ❖ Informal Administrations, and ❖ Supervised Administrations, including annual and final accountings and family settlement agreements.

Guardianships and Conservatorships

David and John provide advice, analysis and implementation of services relating to guardianships and conservatorships, including ❖ Representation before Probate Courts, and ❖ Preparation of all pleadings and accountings for permanent and temporary guardianships and conservatorships ❖ Representation in Protective Order Proceedings.

Trust Administration

David and John offer advice, analysis and implementation of services regarding Administration of Trusts, including ❖ Analyzing and advising regarding Trust funding strategies ❖ Tax Services regarding issuance of Tax Identification Numbers for Trusts that become Irrevocable ❖ Advice regarding compliance with Trust terms and applicable Trust Administration laws and regulations ❖ Advice and counsel to Trustees and Trust beneficiaries ❖ Preparation of Trust Inventories and Accountings ❖ Preparation of Plans of Distribution and Final Receipts.

Trust and Probate Administration Litigation

David and John offer advice and litigation services regarding Probate Estate and Trust Administration matters, including ❖ Representation in Probate and Trust Contests ❖ Defense of Personal Representatives and Trustees ❖ Representation in Contested Guardianship and Conservatorship matters ❖ Retention as experts in Probate and Trust Administration Litigation matters.

Trust and Probate Repair

David and John now provide a much-in-demand service to people who have had their estate plans prepared by unqualified, inexperienced "professionals". ~~First, Dave or John review and identify the mistakes in asset protection and estate planning documents, as well as probate and estate administration situations.~~ Common mistakes include revocable living trusts that are not properly drafted, not implemented, or not funded. Another troublesome area where costly mistakes are common involves second (or later) marriages – and estate plans involving domestic partners and other alternative lifestyle arrangements. Once Dave or John identifies the costly mistakes, they

correct those errors by remedial drafting, disclaimers, trust reformation (a court process), or securing agreements among beneficiaries to alter the defective estate plan.

Elder Law and Long Term Care Planning

Elder Law and Long Term Care Planning

David and John offer services to assist elderly clients and their families with Asset Protection and Estate Planning and Long Term Care concerns. These services include analysis and advice in regard to planning to protect assets for the security of the spouse of the nursing home patient, and for inheritance for the children, through preparation and implementation of ❖ Supplemental Needs Trusts ❖ Spousal Annuity Trusts ❖ Planning to increase the Protected Resource Amount for the Community Spouse ❖ Irrevocable Trusts ❖ Revocable Living Trusts ❖ Durable Powers of Attorney and Designation of Patient Advocate, and ❖ Designation of Guardians.