

Managing Your Legacy Through Estate Planning

This Weekly Newsletter
is brought to you by

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How will one be remembered? This is an important question, and estate planning can have a distinct effect on its answer. There are many ways an estate plan can affect one's legacy. This article addresses charitable gifts, tangible personal property management, end-of-life treatment and burial planning, Ethical Wills, family confidentiality, and memorial planning.

Charitable Gifts

An individual's legacy is often associated with his or her community involvement. Whether such involvement includes an official association with an organization, such as board membership, or informal participation, the groups with which we affiliate ourselves shape our legacy. Such organizations are usually non-profits, and thus can receive tax-deductible gifts and bequests. Charitable bequests can make a significant statement to a community about what an organization meant in one's life.

Tangible Personal Property Management

People commonly overlook the importance of tangible personal property in estate planning. The next generation often cares greatly about antiques, articles of clothing, and family heirlooms. Executors often sell such items at estate sales if there is no direction to do otherwise. Moreover, an Executor has a legal obligation to sell such property if a Will directs it so be sold; this is true even if family members want to receive such property. Virginia Code § 64.2-400 allows for the disposition of tangible personal property by a statement regarding its disposition; however, such statements are often lost or misunderstood if they are not organized and incorporated properly within a comprehensive estate plan.

End-of-Life Treatment and Burial Planning

The failure to have a proper Advance Medical Directive can cost a family thousands in end-of-life treatment. Family tensions can arise during the end-of-life process, especially in blended family situations involving second marriages. A proper Advance Medical Directive allows an individual to decide who should make final decisions regarding life sustaining treatment. Such decisions are more likely to be challenged in blended family situations. The planning of one's burial is also subject to debate. Sometimes people want a trusted advisor or friend to assist with a funeral. If one wants such an individual to plan or manage a burial, Virginia Code § 54.1-2825 requires the appointed person to accept this responsibility in writing.

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Ethical Wills

People often have ethical desires for their children. A letter documenting one's values is commonly referred to as an Ethical Will. An Ethical Will differs greatly from a Last Will and Testament. It is also different from what some people call a Living Will, which is a type of Advance Medical Directive. An Ethical Will is not intended to be legally binding. Instead, it is a guidepost of values for the next generation. However, if an Ethical Will is not drafted properly, it can accidentally become an amendment to a Will. Such amendments often create a Trust or alter an intended bequest. Conversely, if one attempts to write his or her own Last Will and Testament, an attempt to create a trust can be seen as merely a general hope, and therefore not legally binding. Thus, both an Ethical Will and a Last Will and Testament should be reviewed by an attorney to ensure that they do not have any unintended consequences.

Preserving Family Confidentiality

People often have wishes for their estate which regard confidential family matters. During the probate process, a Last Will and Testament becomes a public record. Many families have children facing challenges with money management, incarceration, alcoholism, drug abuse, mental health challenges, marital strife, or creditors. If such matters are discussed in a Last Will and Testament, they will become part of a public record. The impacts of this can be emotionally detrimental. There are many other family problems which an estate planning attorney can help keep both confidential and sacrosanct.

Memorial Planning

Planning one's memorial does not necessarily need to involve an attorney, but such plans should be kept with one's legal paperwork to ensure that they are found in a rapid manner. If family members disagree with one's wishes, an attorney can pay for a funeral in advance and empower willing parties to ensure the desires of the departed are implemented. Additionally, even though such thoughts are challenging, it is critical to express one's wishes regarding obituary, burial, and other memorial arrangements in writing. If one is part of a blended family, it is not uncommon for there to be stark differences in how people view the narrative of one's life journey.

Conclusion

Estate planning often has an important impact on a person's legacy. While proper estate planning can enhance and preserve a positive legacy, the failure to plan can create tensions that leave families with the wrong kind of memories. If you have questions regarding how your estate plan may affect your legacy, please call the Hook Law Center.



Dogs' Play – Part 1

Hook Law Center: Kit Kat, what does dogs' play mean?

Kit Kat: Well, this is such a complicated answer, that I'm going to answer it in 2 parts. First of all, as one may suspect, dogs' play involves more than meets the eye on a cursory glance. You've probably observed dogs playing in a park. On meeting, one will sort of "bow" to the other, front paws extended and rear end up in the air. The other dog will react by romping around and barking. Soon, they are chasing each other. This cycle can repeat itself. In this simple exchange, scientists like Marc Bekoff, a cognitive ethologist at the University of Colorado at Boulder, sees communication via a wordless language. What he calls the "play bow," is really an invitation to play. It can also be a warning to go easy on the tussling--we're just playing now. Or it can be an apology--sorry I went too far with fooling around; it won't happen again.

Dr. Bekoff came to these conclusions after hours of observing videotapes of dog play in slow motion. He also observed that larger dogs playing with smaller ones, even the odds during play by rolling on their backs, a vulnerable, though trusting pose, much more often than the smaller dog does. The larger dogs knows they can't roughhouse exactly like they would with a dog of equal size. He postulates that they have a sense of fairness. Another behavior is squinting--when a dog does this it means you're being too rough. A wag of the tail means the dog is open to being approached. There will be more discussion next week on this topic when more of Dr. Bekoff's research will be revealed. He has some very interesting insights, and if you've ever observed a dog, it would appear he's right on the mark.

(<http://www.washingtonpost.com/national/health-science/in-dogs-play-researchers-see-hon...>)(5-20-2014)

Upcoming Events

- Andrew Hook will be speaking on Avoiding Elder Law/Care Pitfalls at Churchland House, 4916 West Norfolk Road, Portsmouth, VA 23703 on **Tuesday, June 24, 2014 at 6 p.m.** This event is free and open to the public. For more information, please contact Hook Law Center at 757-399-7506 or Angelia Allen of Churchland House at 757-483-1780.
- Jessica Hayes will be speaking on Hook Law Center's Practice Area's at Westminster Canterbury on **July 1, 2014** at 10:00 am.
- Hook Law Center will be participating in **Senior Advocate's Art of Healthy Aging Series** held at Westminster Canterbury, 3100 Shore Drive, Virginia Beach VA 23451. This series will be held once a month from July through December. **Andrew H. Hook** will be the featured presenter on **Tuesday, August 5, 2014 at 10:00 a.m.** Mr. Hook will speak on Avoiding Elder Law/Care Pitfalls as well as provide an overview of Hook Law Center's Practice Areas. HLC Attorney Jessica A. Hayes and Shannon Laymon-Pecoraro will also provide an overview of Hook Law Center's Practice Areas at the meetings held on **Tuesday, July 1, 2014 at 10:00 am, Tuesday, September 2, 2014 at 10:00 am, Tuesday, October 2, 2014 at 10:00 am, Tuesday, November 4, 2014 at 10:00 am, and Tuesday, December 2, 2014 at 10:00 am.** We look forward to seeing you there!

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