

Estate Planning

when done correctly, should, above all else, provide you with the peace of mind that comes from knowing you have done everything possible to protect yourself and your family from unnecessary risk.

At Davis Law Group, P.C. we are dedicated to providing quality legal services. Our experience working with thousands of clients has taught us that an estate plan is sound only if it helps you accomplish all of your personal planning goals. That is why we focus on providing unique solutions for every situation. Let us help you plan for your future today.



- ❖ CONTROL YOUR PROPERTY NOW
- ❖ TAKE CARE OF YOURSELF AND LOVED ONES IF YOU BECOME DISABLED
- ❖ AVOID GUARDIANSHIP HEARINGS
- ❖ SAVE TAX DOLLARS, PROFESSIONAL FEES AND COURT COSTS
- ❖ GIVE WHAT YOU HAVE TO WHOM YOU CHOOSE IN THE WAY AND TIME YOU WANT

Douglas W. Davis is the managing partner at Davis Law Group, P.C. His practice focuses on estate planning and business transactions. He and his staff are committed to helping you with family and business succession solutions that will protect your assets and provide a lasting legacy for your family.



Douglas W. Davis, Esq.

What does it mean for my future?

compliments of

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It's all about peace of mind.



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Without proper planning, you and your family may lose control over your property and incur undesired taxes and legalities. Davis Law Group, P.C. wants to help.

FUNDAMENTAL QUESTIONS

*B*ecause estate planning is not just about reducing taxes but also about making sure your assets are distributed as you wish both now and after you're gone, you need to consider the following questions before you begin your estate planning.

Who should inherit your assets?

If you are married, before you can decide who should inherit your assets, you must consider marital rights. States have different laws designed to protect surviving spouses. If you die without a Will or Living Trust, state law will dictate how much passes to your spouse. Even with a Will or Living Trust, if you provide less for your spouse than state law deems appropriate, the law will allow the survivor to elect to receive the greater amount.

Once you've considered your spouse's rights, ask yourself these questions:

Should your children share equally in your estate?

Do you wish to include grandchildren or others as beneficiaries?

Would you like to leave any assets to charity?

Which assets should they inherit?

You may want to consider special questions when transferring certain types of assets.

For example: *If you own a business* - Should the stock pass only to your children who are active in the business? Should you compensate others with assets of comparable value?

If you own rental properties - Should all beneficiaries inherit them? Do they all have the ability to manage property? What are the cash needs of each beneficiary?

When and how should they inherit the assets?

To determine when and how your beneficiaries should inherit your assets, you need to focus on three factors: the potential age and maturity of the beneficiaries, the financial needs of you and your spouse during your lifetimes, and the tax implications.

Outright bequests offer simplicity, flexibility and some tax advantages, but you have no control over what the recipient does with the assets once they are transferred. Trusts can be useful when the beneficiaries are young or immature, when your estate is large, and for tax planning reasons. They also can provide the professional asset management capabilities an individual beneficiary lacks.

WILLS AND LIVING TRUSTS

*Y*ou have two basic choices for transferring your assets on your death: the Will, which is the standard method, and the Living Trust, which is rapidly growing in popularity. If you die without either a Will or a Living Trust, state law controls the disposition of your property, and settling your estate will probably be more troublesome — and more costly.

The primary difference between a Will and a Living Trust is that assets placed in your Living Trust avoid probate at your death. Both a Will and a Living Trust can be created to reduce estate taxes and to give what you have to whom you want. Whether a Will or a Living Trust is better for you depends on many personal factors.

WILLS *I*f you choose just to transfer your assets with a Will, your estate will have to go through probate. Probate is a public, court-supervised process to protect the rights of creditors and beneficiaries and to ensure the orderly and timely transfer of assets. In some cases, a Will can be advantageous because it provides standardized procedures and court supervision.

LIVING TRUSTS *B*ecause probate is public, time-consuming, and potentially expensive, particularly for our business owners, avoiding probate is a common estate planning goal. A Living Trust (also referred to as a Revocable Trust or Declaration of Trust) acts as a Will substitute, providing instructions for the management of your assets on your death and, if funded, during your life.

With a Living Trust, you maintain complete control by transferring assets into the Trust for your own benefit during your lifetime. Whether you serve as trustee or select a professional trustee, you retain the right to revoke the Trust and appoint and remove trustees. Living Trusts offer many benefits, including: tax reduction, simplified asset management, and protected estate distribution.

THE NEXT STEP

*W*hether a Will, Living Trust, or some other estate or business succession solution is right for you will depend upon your goals, concerns and personal objectives. We can help you determine what plan will best meet your needs.

We encourage you to call us to schedule an initial appointment to review your current plan and to help you design a sound solution that will provide you with peace of mind.