

The Empowered Estate Plan:

Creating, Maintaining and
Implementing a Plan That
Works For You and Your Family



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Dear Reader,

Thank you for making the choice to get this special report.

Every year, thousands of people like you deal with trying to create an estate plan that actually works. You might even be surprised how many of your neighbors and people in your region have gone through exactly what you are dealing with right now.

The estate planning industry is at a crossroads. Your family probably isn't. At least not today. But the decisions you make today make all the difference in how your family navigates the crossroads moments to come – and they're likely to be heavily and *negatively* affected by how "estate planners" advise you.

After years of thinking "we need to get information out to the public" I finally concluded that the risks facing families are just too high to not get it out *now!* So you now hold it in your hands! This report is about *empowering* you and your family to create, maintain and implement a successful estate plan, a plan that works. No matter how you're currently positioned my goal is to help you begin the process of putting together a plan that works for you and your family – and the time to start is now!

You may be a young parent few issues but a lot of responsibility. Perhaps you are a pre-retiree finally building your net worth now that the kids have been educated.

Many readers pick up reports like these because they are retirees recognizing that this “estate planning thing” might now actually need to be considered a reality. Still others are caregivers faced with a healthcare crisis in the family. You may have very specific concerns like transferring a business or a farm, handling complex assets like retirement plans, or leaving a charitable legacy. In every case, **NOW** is the time to get started or to update any planning you’ve done before.

You should know that there is a path for you.

I also have a piece of good news for you... By getting this report, you have taken the first of several steps you need to a successful outcome. You could have ignored this information and kept on sifting through all the random pieces of information available to you online. Instead, you are now have a comprehensive resource about exactly how to create a plan that works with people who care.

Sally came in a while ago having been referred to us by her financial advisor. She was in the middle of a probate court mess now in its fourth year, involving the estate of her deceased husband who had assured her that “everything was taken care of”. This was a second marriage for Sally and she had children, and a reasonably well sized estate of her own. While helping her quickly complete the probate estate we were also able to eliminate two very aggressive creditors and predators. At the same time, we also proactively helped Sally create an *Empowered Estate Plan* that now fully protects herself, her and kids, and the rest of her wealth from ever having to deal with what she has gone through. Bottom line, she now has peace of mind not just a piece of paper.

It's also important to say that there were three businesses involved in Sally's probate mess. Due to our unique training and process in the area of exit or transition planning for business owners we are also able to extricate, save, and salvage the businesses from "Darth Vader", (better known as the IRS) and the employee turmoil created by the premature death of a terrific entrepreneur, husband and father, who had what we call a "no plan-plan".

Sally was pleased with the results and so were we. However, it wasted way to much time energy and money. Most of that could have been prevented by putting a plan in place.

That story is one of many that we have handled at James Moore Law.

Once you have look through this report, please feel free to call us to discuss your situation. My hope is that you will look to us for help when you need it. We are excited to serve you!

Sincerely,

James L. Moore

P.S. I am just a phone call away at 616-813-7099. Make sure you mentioned that you downloaded this report and we'll answer whatever questions you may have!

5 Questions We Frequently Hear From Our Callers

1. *How can we avoid Probate?* The only way to completely avoid the probate court is to use a “trust based” Empowered estate plan. Most plans are “will” based. Our simple, down-to-earth definition of a “will-based” plan: A “will” is a lawsuit you draft while you are alive which is filed against you when you die. You use your own money to sue yourself. And a claim may be filed against your estate by almost anyone which of course turns out to be a complete crapshoot. A “trust-based” plan has a component of creditor and predator protection for you and your loved ones in addition to saving approximately 5% of your total wealth that would otherwise get wasted in the probate court.

2. *Is there a way to eliminate or prevent any family hassles and messes?* Let’s get right to the point. What is your money really doing for you? Did you ever say to yourself, “Someday when I have more money, I’ll...”? Have you actually done all the things you always wanted to do? Are you doing now what you want to do now? Are you spending your time, talents and resources doing what you really want to do? What are your goals? If you could have a perfect situation personally and for your family, what would it be? These are the questions I ask all of my clients in order to achieve clarity about their vision for life, business, finances, and especially their family. The best way to avoid any future hassles or messes is getting a concise, articulate list of goals which usually requires a lot more probing on my part. Most often the answer to these questions are also tangled in an individual’s perception of how things currently are.

So just how can we work together to overcome the many obstacles that would interfere with your vision for you and your family? It's really rather simple; and can be summed up with this question: "If you could wave a magic wand and completely ignore the tax, investment, and probate court laws, or your perception of them, what would be perfect situation for you and your family"? To avoid hassles and messes we need to free ourselves of our misconceptions and ignore what we think we know and concentrate on what we really want.

3. *How can I control things when I'm alive and well and also plan for myself and my family if I become disabled?* Most people are shocked to learn that if they were to become mentally or physically incompetent, "disabled", that the probate court will more than likely be involved due to the requirement of having to petition the court for a guardianship and conservatorship hearing even between spouses and domestic partners. Again, the advantage of a properly drafted revocable living trust-based plan is that it produces a solution by creating a customized disability panel to determine this issue. This together with hand selected qualified backup "helpers" puts you back in control and saves somewhere between \$5000 and \$8000 in attorneys fees while also keeping control in your hands and out of the hands of a Judge.

4. *How can I give what I have, to whom I want, when I want, and in the way I want?* This is our favorite question to answer! To quote the famous 1920's New York Yankees catcher, Yogi Berra, "You have to be very careful if you don't know where you're going because you might not get there." The bottom line is it's not about the documents – it's about results. We follow a Three Step Strategy.

The key to creating a plan that works is clear, it requires comprehensive, customized instructions for your own care and that of your loved ones. Step one involves developing your plan with counseling oriented planning partners. Step two involves committing yourself and your family to a formal, continuing maintenance and education program. Step three involves securing the appropriate assistance to assure you and your family that your wisdom is transferred along with the rest of your wealth. It's one thing to pass your financial wealth to the next generation. It's a different thing to pass it along in an orderly and protected manner. And it's yet another thing to pass your wisdom, a critical part of your true wealth, along with it. A good empowered estate plan accomplishes all three things.

Answers To The Questions You Didn't Know To Ask

1. *What happens if I don't have a plan at all?* No wealth protection or estate plan? Don't worry, the State of Michigan has one for you. As Rudy Giuliani, Mayor of New York said "Hope is not a strategy". Many people die without having any kind of plan at all. They die without leaving even a simple will. Many people simply do not take the time to begin to plan always saying, "I'll get around to it". I'm not exactly sure what a round "TUIT" is, but it can't be good. We also frequently hear that many people would like to plan but simply do not know how to go about it, or whom to ask. They simply do not get around "TUIT". The same is certainly true of planning for disability. People do not plan for disability for the same reasons they don't plan for death: they simply don't take the time to address it, learn about it, or get around "TUIT".

If you do not plan your own estate, for either your death or your disability, the Michigan legislature has planned it for you. As we meet many of these hardened non-planners as part of our practice, we are often tempted to say: Worry not, plan not, don't worry, be happy – if that is your choice – because the State of Michigan already has a plan made to dispose of your property via Michigan law called the Estate and Protected Individuals Code (EPIC), which describes in great detail what happens to your property if there is no simple will or other type of will substitute. We believe that the statement, “failure to plan is planning to fail” is not a cliché. As a result EPIC will distribute the property of a non—planners to the State of Michigan's delineated heirs and the result can, and normally is, quite discomfoting.

2. Is there really a way to protect my wealth from creditors and predators? Creditors and predators and lawsuits-oh my!

“Obstacles are like wild animals. They are cowards but they will bluff you if they can. If they see you are afraid of them... They are liable to spring upon you; but... If you look them squarely in the eye, they will slink out of sight.” Orison Swett Marden.

One of the common interpretations of the concept of wealth protection is that an individual, family, or business is trying to avoid paying well-deserved creditors. That is not the purpose of wealth or asset protection. We live in a litigious society. It's common for unhappy people to attempt to solve their problems by resorting to a lawsuit. Creative attorneys and receptive courts have had the effect of broadening the reach of litigation. As a result, huge judgments are awarded in cases that one would not expect to even go to court.

The purpose of wealth or asset protection is to title or structure assets and wealth in such a manner as to discourage lawsuits that are unreasonable in their scope, as well as avoid the horrendous monetary demands of plaintiffs. Short of discouraging the lawsuit itself, wealth in asset protection encourages plaintiffs to settle their claims on a more reasonable basis because of the difficulties they encounter in collecting from the defendant.

There are numerous wealth or asset protection techniques. Including insurance, holding property in certain types of ownership, investments in exempt assets, using Corporations or Limited liability Company structures, and of course a thoroughly planned and completely implemented Empowered estate plan.

3. Is there a process or strategy I can follow to ensure that I will actually have a plan that works when I need it most?

“In any moment of decision the best thing you can do is the right thing. The next best they can do is the wrong thing. The worst thing you can do is nothing. Teddy Roosevelt.

We do not know of nor can we conceive of any generalized or average representative estate planning situation that can be used in this example or illustration to summarize all of the empowered estate planning principles and techniques that we are aware of and have discussed briefly in this report. In our experience, most people have individual lives, facts, circumstances, estates, and families which of course then require individual counseling, design, and planning techniques. Consequently, in order to deal with life as it actually occurs and not as how we might “hope” it will occur, we need a strategy to deal with things as they actually do occur.

Which leads me back to the Empowered wealth protection and estate planning solution based on our Three Step Strategy. The key to a plan that works is creating clear, comprehensive, customized instructions for your own care and that of your loved ones. These instructions can be included in a will, a trust, and in several other related ancillary documents. We find that most of our clients are best served with a combination of these “tools” developed using our strategy. It’s all about peace of mind and not just piece of paper.

We believe you should develop your plan with counseling-oriented planning partners. We also believe that much of what passes for estate planning this country today is little more than word processing! We don’t believe you should pay a licensed professional to do mere word processing. Their value is in their counsel and advice based on knowledge, wisdom and experience.

There are three basic principles I’ve learned during the years I have practiced: Things change, people are different, and everyone dies. That’s why committing yourself and your family to a formal, continuing maintenance and education program will help ensure that your plan is up to date when you need it.

Call me at 616–813–7099 if you have additional questions about any or all of this. I would love to hear from you, and your question may also help us improve future versions of this guide!

How It Works

1. Seminars and workshops. *We offer an ongoing series of these free events to further educate people about how all of this works.*

2. Get Acquainted Meeting. We meet with you one-on-one for a complimentary one hour meeting to answer any and all of your personal questions about the law, our process, our fees and our expectations. As Mom always said “It’s a two way street so look both ways”. Are we the right firm, are you the right client, is this the right time?

3. Design Meeting. This is a 2 to 3 hour “closed door” private counseling meeting to lead you through the process of life for all of us. Alive and well, Alive and not well-and, not Alive. We create a graphic design template of all aspects of your Empowered estate plan before even attempting to draft any documents.

4. Delivery Meeting. This is a 2 hour meeting to revisit your design template, review your actual documents, and sign them.

5. Funding Assistance. We work together with you, your financial advisor, and your CPA as a “team” to make sure your plan is properly funded.

6. Maintenance and Review Program. We provide a way to keep in touch with you via our newsletter, an annual “Happy Anniversary” letter (as in, you are a year older, and so is your plan) and offer an opportunity for you to come in for a review if your family, health, or financial circumstances have changed significantly. We also offer an ongoing workshop called “What To Do” for you and your helpers to help train them to do their job when and if the time comes.

Want to meet with us to discuss your situation and how an Empowered estate plan could help you actually create a plan that works? Call me at 616–813–7099 to arrange a free consultation.

The End Result

Below you will find testimonials and a couple of stories of people who have gone through the process you just learned about. As you will discover, it doesn't have to be difficult and help is available to you.

“We went to Jamie on a friend's recommendation when we needed to put together a living trust to protect our resources in the event of either one of our deaths which would be untimely no matter when they happen. He walked us through the entire process without a hiccup in it and even helped me put together a partnership buy-sell agreement for my business. During that process he consistently worked for my best interest even when he had to go at odds with my accountant and other planners. Further, I have recommended him to others several times since and all have reported excellent results, especially those who had an immediate need from an unforeseen death for which the family had no preparation in place. You couldn't find a more competent, knowledgeable, or compassionate attorney.”

“We have used Jamie several times for issues requiring technical and legal advice from someone with a keen understanding of the law and the features of how the legal system works. He has always given us excellent advice and kept us well informed of the progress of the matter without spending unnecessary time on useless details.”

Marge was referred to us in the state of total chaos. Her house had recently burned to the ground destroying all of her worldly possessions including her beloved pets.

While discussing with her the need to put a plan in place to protect herself in the future in the event of her untimely death or disability we discovered that one of her daughters had been robbing her blind of her money behind her back. She was even attacked by this person at one point and had to be hospitalized. We were able to intervene and create an Empowered estate plan for her which completely removed her daughter from the picture. Her plan also included finding sufficient helpers for her making sure that when and if she does pass away there be no hassles and messes, no probate court fight, and no intervention by her estranged family. Unfortunately we see this type of situation all too often. All of which can be prevented with planning.

Susan was referred to us by one of our clients. She was facing a fight with her sister over the guardianship and conservatorship of her mother. During the discovery of the facts and circumstances which led to the probate court case we discovered that her sister had not only been depleting her Mom's assets, she was also trying to redirect her Dad's assets to her care so she could waste them as well. We were able to have her sister removed as a potential guardian for her Mom, redirect and protect her Dad's assets, and create a new Empowered estate plan for Dad that disinherited his selfish and unprincipled daughter completely saving another potential court fight and the unnecessary wasting of time, energy and money. As luck and life would have it Mom died shortly thereafter and, believe it or not Dad also died a short time later. The emotional loss to our client was devastating but at least the majority of Dad's wealth and values were preserved.

Our team is standing by to help you. As a matter of fact, we look forward to your call and the chance to serve you as we have served many others in our community. While we certainly can't guarantee any results, we may be the right law firm for you. The best way for us to find out is by calling me at 616-813-7099 to arrange a free consultation.