

WILLMS, S.C.

LAW FIRM

CLIENT NEWSLETTER SEPTEMBER 12, 2011

A key part of our work at Willms, S.C. is to assist you in creating a level of dependability and steadfastness within your families and businesses. The topics we address in this newsletter focus on strategies that can help you protect your assets and pass those assets intact to your loved ones.

Creating an Ethical Will as Part of Your Estate Plan

Too often, “assets” are defined solely as tangible financial resources. Therefore, when asset protection is discussed, generally only things like cash, investments, real estate and insurance are considered. What about your family traditions, your religious convictions, your experience gained from being a successful business owner? Have you developed a way to pass your hard-earned knowledge and understanding to your children, to their children, and/or to the people who would be responsible for running your business if you were not able to do so? Provided with this newsletter is an article entitled, “Using the Concept of an Ethical Will to Supplement Your Estate Plan” (found on the Articles page of our website). This article discusses the long-standing tradition of using ethical wills to pass along intangible wealth to subsequent generations, and how the concept can be used in a contemporary way to meet your estate planning goals.

Asset Protection for Your Personal Residence

Our firm commonly advises clients to transfer their primary residence to a revocable trust in order to avoid probate. However, a revocable trust does not necessarily provide the level of asset protection that some clients desire. Clients then ask whether they should place their residence into a limited liability company (LLC). Provided with this newsletter is an article written by Maureen O’Leary entitled, “Should I Put My Primary Residence Into a Limited Liability Company?” (This can be found on the Articles page of our website.) This article discusses the strengths and weaknesses of this strategy. Also note that there are many other asset protection strategies for personal residences. Please contact us for additional information if you are interested in this subject.

A Charitable Lead Trust as a Way to Transfer Wealth

By now, most of our clients understand that the estate tax exemption is currently very high compared to what it has historically been. Paired with low interest rates, right now is a good time to consider passing wealth to subsequent generations. If you have charitable intentions, one way to accomplish this may be through the use

of charitable lead trusts. The attached article, "A Trust Surges, Heirs and Taxes in Mind, but Mind the Details ([CLICK HERE](#))," discusses the opportunities and potential pitfalls associated with using this type of trust to pass wealth to both charities and heirs.

Using a Special Needs Trust to Provide for Your Loved One

Many of the clients we work with are disabled, or have a loved one with a disability, or want to plan for the event that they develop a disability at some point in the future. Most important to many of these clients is making sure that the person with the disability is cared for properly and has access to the best possible services and opportunities. A properly drafted special needs trust is a key component to disability planning that many people overlook or do not adequately understand. Provided with this newsletter is an article written by Jessica Bourke entitled, "The Benefits of a Special Needs Trust." (This can be found on the Articles page of our website.) This article discusses what a special needs trust is, what it can do, and how it can be specially-tailored to provide long-term financial stability to your loved one with a disability.

Challenging Property Tax Assessments

Do you think your residential and/or commercial property is over assessed? If so, consider appealing your assessment. A lower assessment could reduce your property taxes by thousands of dollars per year. The attached Wall Street Journal article, "How to Lower Your Property Taxes" discusses many of the issues to consider if you are interested in appealing your assessment. Please contact us if you are interested in appealing your assessment. We would be happy to speak with you about the appeals process and could handle the appeal for you if you so desire.

Legislative Update: The Family Care Freeze and What it Means to You

Our firm has received numerous questions over the past couple of months regarding the freeze on Medicaid's Family Care program, which allows individuals to receive long-term care services in the community instead of having to move to a nursing home. As of July 1st, Wisconsin did impose a two-year "freeze" on that program, meaning no new slots will be added to the program for individuals hoping to receive these long-term care services. Therefore, many people now presume that they will have to move to a nursing home if they want to receive any type of assistance with their long-term care costs.

However, this freeze does *not* impose an absolute bar to individuals hoping to receive these services in the next couple of years. There are strategies for accessing these long-term care services that do not require an individual to wait two years or make a permanent move to a nursing home. If this is an issue that you would like

to discuss in greater detail, please contact our office to schedule a time to speak with our elder law attorney, Jessica Bourke.

We hope you find the information included in this Update helpful. Please do not hesitate to contact us for more information about the topics in this newsletter.

Sincerely,

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If you would like to stay up-to-date with the latest developments at Willms, S.C. through LinkedIn, please visit Andy Willms' LinkedIn page by clicking [here](#), Maureen O'Leary's page by clicking [here](#), and Jessica Bourke's LinkedIn page by clicking [here](#).