



DESERT LAW GROUP

KIMBERLEY T. LEE, P.C.

Looking Ahead – Planning for You and Your Family’s Future



Transitions – Estate Planning to Protect You and Your Family’s Future

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www.desertlawgroup.com

74-916 Highway 111, Indian Wells, CA 92210

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Welcome to the Desert Law Group's comprehensive Estate Planning Guide designed to help you plan for the future, protecting your loved ones, and to navigate through the inevitable future as you age. Please contact us for more detailed information or to arrange a strategy session to address your specific concerns. Furthermore, visit our website (www.desertlawgroup.com) for updated information and helpful resources.

Please remember, this guide is simply an introduction to the fields of estate planning, elder law, probate and trust administration and is designed for educational purposes only and does not in any way constitute legal advice. DO NOT take any action without the professional advice of a qualified Estate Planning attorney. Please schedule an appointment with our office to discuss your specific circumstances.

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THE IMPORTANCE OF PLANNING FOR THE FUTURE

The purpose of this guide is to provide helpful information and provide you with an introduction to the following:

- Our firm and our values.
- Why we believe it is important to plan for your future
- Legal terms and solutions used in estate planning, elder law, and probate that will help protect you and your family

Desert Law Group was founded in 2001 by estate planning attorney Kimberly T. Lee. Since then, we have become a trusted source of estate planning needs in the beautiful Coachella Valley and through outthroughtout the State of California. Today, we are proud to say that Desert Law Group is one of the most highly regarded and respected estate planning law firms in the Palm Springs and surrounding areas. We help individuals, couples, families, and business owners by providing them comprehensive, personalized estate planning and wealth preservation strategies, trust administration and probate services.

We also pride ourselves on our relationships with other ethical, client-centric and qualified professionals and service providers in our community. We strive to provide educational resources to our partners and work synergistically with them to be available for their clients' needs. We also strongly believe in the "planning team concept" – ensuring planning is a collaborative effort between ourselves and the other services you may inevitably require, such as a financial advisor, Certified Public Accountant (CPA), insurance professional, professional fiduciaries, real estate professionals, and healthcare providers among others. Through these relationships, we want to ensure all clients have access to experts in the specific areas that can assist and guide them through their life's inevitable transitions. You will find the logos and contact details of some of those organizations featured in this guide.

Please bear in mind, this guide is simply an introduction to the fields of estate planning, elder law and probate and does not constitute as, or should be considered to be legal advice. Every individual's situation is unique and therefore, to provide you with an effective plan for the future, we will need to learn about your goals and objective in order to provide solutions for your particular circumstances. Consequently, after reading this, if you are ready to take the next step to prepare yourself and to protect your legacy, we recommend you contact us to schedule your initial consultation. We will **LISTEN** to your goals and **ASSESS** your current situation. Based on the information we learn, we will then make recommendations, and with your approval, put together a tailored plan that is best suited to **YOU**.

If you have questions based on the information featured in this Guide or how we may help you and your family, please contact our office at **(760) 776-9977**.

THE BENEFITS OF ESTATE PLANNING

You have likely been putting the interest of your loved ones first throughout your lifetime and having an estate plan in place will allow you to continue to do so, even when you are gone. Here are some benefits of having a comprehensive estate plan:

Providing for Your Family

With an estate plan, you can make sure that your family is provided for once you are gone. Without an estate plan, your family will need to face expensive and lengthy court processes and proceedings. In the end, your beneficiaries may not receive as much of your assets as you intended.

Protecting Your Children

If you pass away with minor children, you need a plan in place and identify who will raise them. If you do not have a plan in place, your children could end up with Child Protective Services or with a guardian you did not choose to supervise their lives until they become adults.

Minimizing Your Expenses

Without an estate plan, the courts administer your estate through an expensive and lengthy probate process. The probate process will cost your family time and money that could have gone to them if you had an estate plan.

Speeding Up the Process

With an estate plan, your loved ones can have access to the assets and money they need to survive immediately, as opposed to waiting for a lengthy court process to administer your estate.

Sparing Your Family from Difficult Decisions

An estate plan will prevent your loved ones from making difficult decisions on your behalf, such as how your remains are handled or when to terminate life support when the time comes. An estate plan will have your wishes laid out for your family, providing you and your family with peace of mind, and reassuring them that you made the choices you desired.

Reducing Taxes

Although we don't want the tax tail to wag the dog, tax planning is a vital part of estate planning with Desert Law Group, and we will ensure your loved ones receive more of your money and disinherit Uncle Sam!

Planning for Long Term Care Needs

Long-term care planning provides legal strategies so you can be eligible for Medi-Cal services, if appropriate, among other services such as Veteran's benefits. This way, you don't run out of money before you run out of breath. Planning ahead will also protect your assets from reimbursement claims by the State of California when you pass away.

Planning for Incapacity

An estate plan can designate an agent under a comprehensive durable power of attorney in the event you become incapacitated and are unable to manage your financial and healthcare affairs. This will help you to avoid the expensive conservatorship court process. Conservatorship is sometimes referred to as a "Living probate" process which is expensive and public. In addition, it creates much emotional stress on your loved ones.

Protect Your Business from Interruption

If you own a small or sizable business, an estate plan will determine what happens to your business upon your incapacity and after your passing. If you do not have an estate plan, your business will unfortunately go through the probate process, which may drastically impact the business negatively.

Kimberly T. Lee is the founder of **Desert Law Group** and is one of the reasons our law firm is so well-respected. She has devoted her entire legal career to helping individuals and families prepare for the future by delivering reliable, trusted service and advice with integrity, care and compassion.

Education and Background

Attorney Kimberly Lee graduated Summa Cum Laude and earned her Doctor of Jurisprudence degree (JD) from the University of La Verne College of Law. She also served as a Judicial Clerk at the prestigious California Supreme Court.



In 2001, Kimberly started her own law practice and since then, she has built Desert Law Group to be one of the most respected Trusts and Estates law firms. She leads a team of attorneys and paralegals on wealth preservation strategies, estate planning, Trust Administration, as well as probate administration. She is licensed to practice law in all courts in California and the United States Tax Court, the United States District Court for the Central District, and the United States Ninth Circuit Court of Appeals.

In addition, Kimberly also earned the Certified Financial Planner™ mark, which is considered the gold standard in the financial planning industry. The additional education and knowledge help Kimberly to integrate financial planning with estate planning for Desert Law Group clients.

Professional Memberships

Kimberly maintains her knowledge and expertise through ongoing continuing education and attendance at nationally recognized conferences as well as professional associations and memberships. She maintains current membership in:

- Wealth Counsel
- CFP® Board of Standards
- California Lawyers Association
- Desert Bar Association (Past President)
- Desert Estate Planning Council (Past President)

Community Involvement

In addition to her lengthy service on the Board of Trustees for Desert Bar Association, Board of Directors for the Desert Estate Planning Council, Kimberly also served on the Advisory Board for the American Cancer Society and First Foundation Bank. She was a volunteer mediator for Volunteer Settlement Conference program at the Riverside County Superior Court. Kimberly was also a lecturer on cash management and estate preservation strategies for classes held through the College of the Desert. She is a sought-after speaker for subjects on estate planning, trust administration, trustee responsibilities, and long term care planning.

Philosophy

Kimberly and her team of estate planning professionals understands that talking with a stranger about your finances, aging, and the inevitable future can be intimidating, but Desert Law Group knows that the benefits of those tough discussions are well worth the initial discomfort. The attorneys and paralegals' welcoming demeanor and professional approach set clients at ease right away. Clients often tell us that while they may have entered the office wary and worried, they leave the office feeling with peace of mind and confident in the Desert law Group team's ability to help them meet their goals and protect their assets.

"In our office, we are passionate about helping people to protect their assets from taxes, lawsuits, relatives, nursing home costs — anything that threatens their savings and property. We also help people to arrange their affairs so they can avoid emotional pain and family disharmony in leaving their wealth to their heirs, and pay the least possible amount in taxes and fees."

"Just as important as our legal competence is our client service. We know that an attorney's office can be frightening, and we create a warm, family atmosphere. We strive always to exemplify the Golden Rule and to treat our clients as we would like to be treated ourselves. We genuinely care about our clients, and our attitude reflects that."

WHAT OUR CLIENTS ARE SAYING ABOUT US

"Kimberly, you were recommended to us by a member of our Club at a time when we believed that our then lawyer was not servicing our needs and was overcharging us. Your firm stepped right in and assumed the responsibility for protecting our estate and rewriting our wills in the best interest of our family going forward. During our annual review you are most thorough in updating our wills to cover any changes. You have also been very helpful in updating insurance trusts and beneficiaries. We are extremely satisfied with the work your firm is doing and have recommended you to other people."

Gary & Mary W., Palm Desert

"I find it hard to express how satisfied I've been working with Kimberly Lee and her staff of the Desert Law Group. Kimberly's depth of knowledge in regards to estate planning matters is exceptional. Having been a financial advisor for over 30 years I have worked with many attorneys on behalf of my clients as well as personally. Kimberly has put my mind at ease in regard to my personal estate plan which is a bit more complex, than average, due to a disabled child. Lastly, I have never enjoyed such a responsive staff. Mily has been a main point of contact and is most professional. Thank you for all your help!!"

Mark Z., La Quinta, California

"I have had 4 Trust Attorneys in the past 50 years, and Kimberly Lee is the best of the bunch. The other 3 pale by comparison, and, as is should be (but is often not) in all businesses, her wonderful staff reflects her knowledge, caring, concern and enthusiasm."

Harvey T., Palm Desert, California

Ten years ago I retired from almost 40 years of practicing law, including estate planning. When it became necessary to revise my estate plan to reflect and implement current estate planning techniques, I looked for someone with the necessary expertise. Kimberly and her staff fit the bill in all respects. She offers a fully integrated approach fitting the needs of each client.

Attorney Paul C., La Quinta, California

"I had two other Law Firms and was about to quit because they could not understand what I needed, then I met Kimberly and staff – WOW! Kimberly met my legal needs which let me sleep at night. I did not know how much there was to setting up a professional Trust and an Estate Plan. Kimberly and staff made me feel like I was part of the family. I certainly would recommend Kimberly T. Lee and Desert Law Group."

Ron M., Santa Barbara, California



WHAT IS ESTATE PLANNING?

What is Estate Planning?

Estate Planning is a process of planning ahead so you can take control of your future, today. The person or persons you designate will have the authority for the management and disposition of your assets if you become incapacitated or pass away.

What are the legal documents needed for estate planning?

Generally, you will need a Last Will and Testament, a Revocable Trust to govern your estate, a comprehensive Durable Power of Attorney for your financial affairs, and an Advance Medical Directive and HIPAA Medical Authorization for your healthcare. Depending on your estate plan, you may need further planning, such as a life insurance trust, or retirement trust, among others.

What is the process in estate planning?

1. Meet with an experienced estate planning attorney to determine your goals and objectives;
2. Take inventory of your assets;
3. Work with the attorney to prepare a comprehensive estate plan that documents your wishes, creates a viable contingency plan, provides for your loved ones, minimize taxes, and protects your assets from
4. probate;
Put your estate plan into action by retitling your assets, organizing your governing documents, and providing necessary funding to your estate plan; and
5. Review and update your estate plan as your situation and laws change.

When should you form an estate plan?

Estate Planning is appropriate for any age. You should have an estate plan consisting of a basic Last Will and Testament, Durable Power of Attorney, Advanced Healthcare Directive and HIPAA Medical Authorization in place as early as eighteen years old when you become an adult. By your late twenties and thirties, consider having a Revocable Trust and Pour-over Last Will and Testament, if applicable. As you age, estate planning becomes even more important and involved.

How will we help you create an estate plan?

We start by taking the time to understand your personal situation. During our initial meeting, we will ask you questions that will allow us to gain a complete understanding of your full financial picture and personal goals. This will allow us to recommend and tailor an estate plan for your unique circumstances, wording each document in order to accomplish your goals. We believe the creation of an estate plan is an ongoing process that includes continuing education and advice for the clients and their family as their circumstances and situations change. We recommend that ideally, we meet once a year, similar to a health check-up, to ensure that your estate plan is still appropriate for your circumstances. Finally, part of an effective estate plan involves maintaining good relationships with competent professional service providers within our community. Through these relationships, we want to ensure all clients have access to these service providers that can assist and guide them through the present and future. You will find the logos of these organizations on the next page and within their relevant sections, for your benefit.

OUR LOCAL PARTNERS



Farmers Insurance
(760) 347-2500
Daniel Harris



Blanke Schein Wealth Management
(760) 346-5150
Robert Schein & Rick Blanke



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LAST WILL AND TESTAMENT

What is a Last Will and Testament?

A Last Will and Testament is a legally binding document that allows you to decide how your estate will be distributed upon your death. It will also help ensure that your wishes are carried out and your legacy lives on for generations to come.

Do I need a Will?

Yes, a Will is a basic estate planning tool that every person who is over the age of 18 should have.

Why? What happens if I die without a Will?

If you die without a Will, it means you have died "intestate." So, rather than your estate being handled the way you would have wanted, the intestacy laws of the state will determine how your property is distributed. In some cases, this means your loved ones are not guaranteed to benefit in the way you would have hoped. See the chart opposite to see how the California state intestacy laws would affect you and your family.

How does a Will work?

Once you know what all your assets are, you then decide who receives what after your death. You should also use your Will as an opportunity to make your wishes known on other important details, such as appointing a legal guardian for any minor children you have and making your wishes known regarding your funeral, burial or cremation and/or memorial. Within your Will, you will also appoint an individual to act as your "Executor," making it his or her responsibility to administer your estate.

What are an Executor's responsibilities?

An Executor has many responsibilities. They will act in a manner that protects the interest of your estate. This includes filing the Last Will with the local court to initiate the probate process, as well as collecting of your assets, resolving all debts and obligations to taxing authorities, handling creditors' claims, filing tax returns, and making distributions.

What will happen on my death?

Upon your death, it is required that your Last Will be filed with the appropriate probate court, which will begin the probate process.

What is probate?

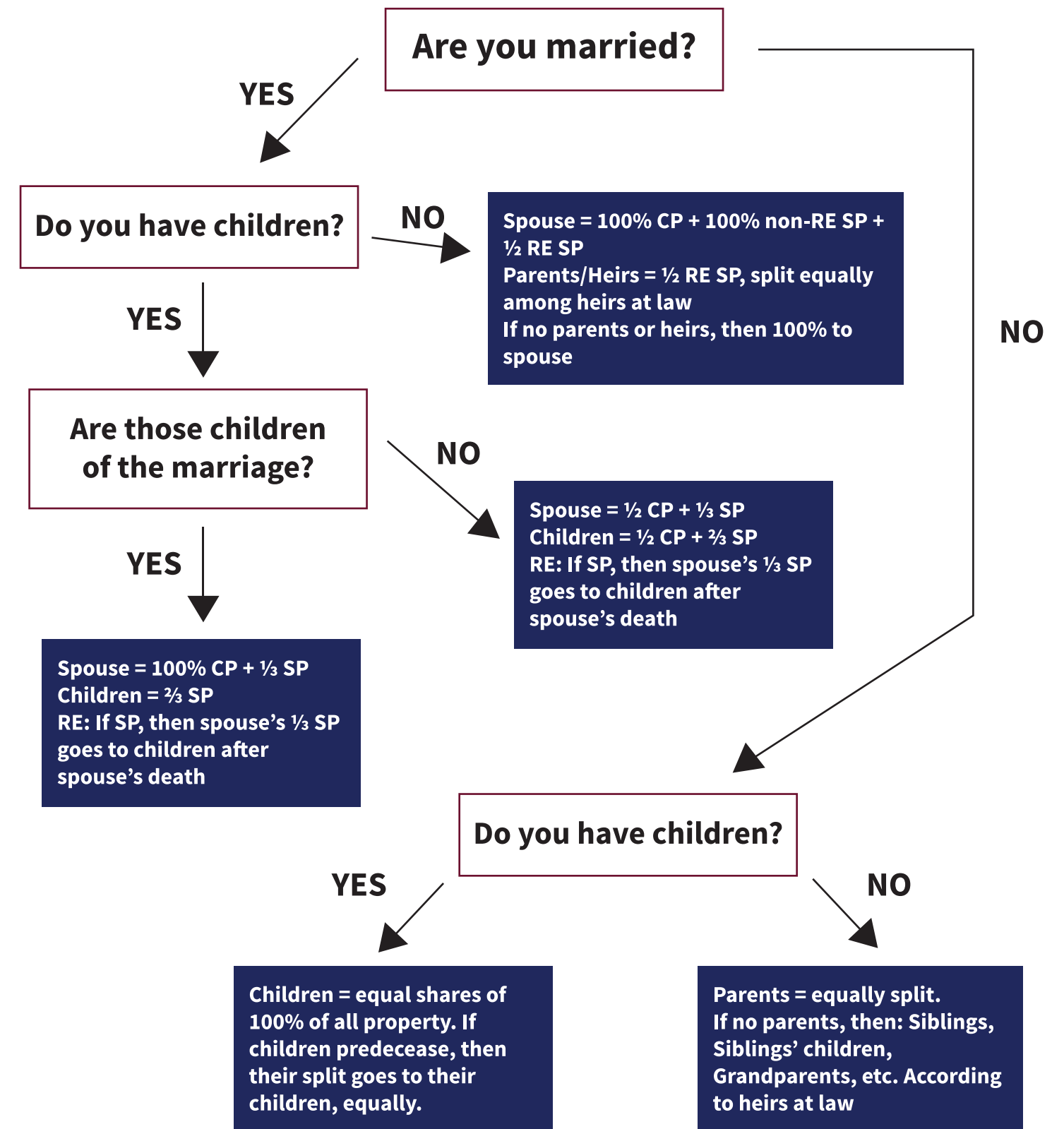
Probate is a court process to administer the decedent's estate upon his or her death. Even if you have a Will, you still need to go through this legal process. It essentially involves:

- Filing the Last Will with the probate court, or if the person died without a Will, someone would have to petition the probate court to become an Administrator of their estate
- Collecting details of the deceased's assets (filed as a list, called the inventory)
- Obtain appraisal by the court appointed appraiser for non-cash assets
- Pay all outstanding bills and taxes
- Filing a final income tax return for the deceased
- Distribution of the assets (this can take up to a year or more, and some will be retained as a reserve for unexpected claims and costs)
- Filing a final account with the probate court
- Once the final petition is approved, obtain a Court Order to allow the Executor / Administrator to distribute any remaining funds to the beneficiaries

Final thoughts...

A Will is an estate planning tool that ensures your estate is distributed the way you want it to be. However, it is still subject to the court probate process, which is time consuming, costly and is subject to public record.

HOW INTESTACY WORKS



CP = Community Property | SP = Separate Property | RE = Real Estate

REVOCABLE TRUST

What is a Revocable Trust?

Also known as a Revocable Living Trust, Family Trust or Living Trust. It is just one type of the many types of trusts available - all with different purposes and goals. A trust is legal entity and is defined as a relationship in which assets are held by one party to benefit another.

Why are trusts important in estate planning?

Trusts can help you avoid the lengthy and expensive probate process, minimize your exposure to taxes, and maintain control of your property/estate during your time and beyond. Trusts can also help you protect your beneficiaries from lawsuits and provide asset protection to your surviving spouse and/or children. Creating a comprehensive trust-centered planning is extremely important, especially in a state such as California.

Wait, isn't a Will the most important estate planning document?

When people think about estate planning, most think of a Will... However, having a Will, guarantees your estate will go through probate, which is expensive, time consuming, and all the information is available as public record. These are the reasons why having a Revocable Trust centered planning may be preferable to a Will-based planning. Obviously the right approach will depend on your particular circumstances. Properly funded Revocable Trust can help you avoid probate altogether, keep your affairs private, and help limit costs related to post death administration.

How does a Revocable Trust work?

When you form your Revocable Trust, several things are specifically stated within the Trust document:

1. Initial Trustee: You designate the Trustee (usually you while you are alive – or in a married couple situation, usually the husband and the wife are the co-trustees).
2. Successor Trustee(s): You designate one or more Successor Trustees, which are persons you've designated to step into your shoes upon your incapacity/death, so they may legally handle the trust's business.
3. Lifetime Beneficiaries: You designate the Lifetime Beneficiary(ies). You are the sole lifetime beneficiary if you are single. If you're married and create a trust jointly with your spouse, then both spouses are typically the lifetime beneficiaries.
4. "Death" Beneficiaries: You specify who inherits your assets after you pass away. These are the "death beneficiaries.". You can also predetermine how and when the beneficiaries receive their inheritance. For example: outright distribution, a percentage at certain ages, in a Spendthrift Trust, Asset-Protection Trust, etc.

And Much More ...A trust is a very flexible tool and can accomplish a lot more than the above, such as minimize estate taxes, protect beneficiaries with special needs, etc.

As part of your estate plan we will also prepare for you:

- Transfer of real property into your Trust.
- Transfer of your business interests.
- Trust Funding Instructions & Checklist (to help you to transfer assets in the financial institutions into your Trust and the proper beneficiary designations are made/updated).
- Detailed Trust Schedule of Assets, including Trust Asset Assignment (to ensure the re-titling of assets from your name into your living trust).

What if I already have a trust but need to make changes?

We can handle all aspects of updating your trusts and estate plan, including reviewing your existing planning, counsel your decisions and preparation of:

- Trust Amendments;
- Trust Restatements;
- Updating the Last Will; and
- Ongoing Trust Funding Advice and Assistance.

WILL OR TRUST - WHICH IS BETTER?

What is important to you?	Will	Trust
Privacy	No privacy. All documents and proceedings after death are public.	Completely private unless court intervention is required, usually due to improper drafting, lack of funding or loss of trustee.
Probate	Any assets featured will go through Probate.	Any assets featured will avoid Probate.
Disability Planning	Should have a current power of attorney. A power of attorney cannot provide that disability be determined privately by family members and friends. Without one, the disabled individual is subject to the court process for guardianship.	Handles assets upon disability without court intervention. Need a power of attorney for non-trust assets. A trust can provide that disability be determined privately by family members and friends.
Creditor/Predator Protection	None while alive. Creditors have only a specified amount of time to present claims or they are forever barred. Testamentary trusts can give protection.	None while alive. There is no creditor claim "shut-off" period and most trusts provide that valid debts be paid. Certain asset protection available in advanced trust planning.
Effort Required	Less effort now unless you require tax planning and asset protection for your heirs, but a great deal of work for your heirs after disability or death.	More effort now to properly design the trust to accomplish all of your goals upon disability and/or after death, but far less work for your heirs after disability or death.
Cost Now	Less	More
Cost to Amend	Similar	None
Cost Later	Probate fees usually start at \$4,000 in California and may increase depending on attorney fees, creditor claims, disputes, and litigation.	Minimal probate fees if the trust has been fully funded and properly maintained.

POWER OF ATTORNEY

What is a Power of Attorney?

A Durable Power of Attorney is most often used when an individual is no longer able to manage their affairs due to incapacitation or incompetence. Under a Power of Attorney, an individual will appoint a designated agent to manage such individual's financial or medical decisions. It is important to designate an individual you know and trust as your attorney-in-fact. Your agent is expected to keep your best interests in mind as they make decisions on your behalf. Your agent may be a trusted relative, friend, CPA, attorney, private fiduciary, or a financial institution but whomever you designate as your agent, make sure such individual or entity will respect your wishes, advocate on your behalf, and not abuse the powers granted to them. Designating an attorney-in-fact to act on your behalf can be complex and emotional. There are several types of Powers of Attorney and having legal guidance from an experienced estate planning attorney can simplify this process and provide you with clarification as to which Power of Attorney best meets your needs. Additionally, an experienced estate planning attorney can ensure your Power of Attorney is recognized by financial and health care institutions when the time comes.

How do Powers of Attorney vary?

There are several Powers of Attorney, each of which varies regarding actions the attorney-in-fact may perform on behalf of the individual, the duration of time the attorney-in-fact may act, and when the Power of Attorney shall take effect. For a Power of Attorney to be legally binding, the Power of Attorney must accord to state laws, and in California, the Power of Attorney must be signed in front of a California notary public. In addition, outdated or "stale" Powers of Attorneys are often rejected by financial institutions. It is extremely important to review and update your Power of Attorney on a regular basis.

What types of Power of Attorney are recognized in California?

The four types of a Power of Attorney recognized by the State of California are: a Durable General Power of Attorney, Non-Durable General Power of Attorney, Limited Power of Attorney, and Healthcare Power of Attorney. Each Power of Attorney recognized by the State of California serves a specific purpose and you do not need to choose the same individual to act as your attorney-in-fact for all your affairs.

Durable General Power of Attorney

A Durable General Power of Attorney, commonly called a Financial Power of Attorney, allows the designated agent to make financial decisions on your behalf. Although you may limit the actions your attorney-in-fact may make, a Durable General Power of Attorney grants your agent the authority to take custody of your financial assets, maintain accounts, continue operating any business affairs belonging to you or in which you have a substantial interest, manage real estate you may own during your incapacity, and control your digital assets. You can designate the Durable General Power of Attorney to become effective immediately upon execution of the document or only upon your incapacity.

Non-Durable General Power of Attorney

A Non-Durable General Power of Attorney is similar to a Durable General Power of Attorney, as it authorizes your designated agent to make financial decisions on your behalf. However, a Non-Durable General Power of Attorney becomes

ineffective and void upon your incapacitation. A Non-Durable General Power of Attorney is often used to grant an agent broad decision-making power only during an individual's absence.

Limited Power of Attorney

A Limited Power of Attorney does not grant the overarching powers to the designated attorney-in-fact like the Durable General Power of Attorney and Non-Durable General Power of Attorney. A Limited Power of Attorney is used for a specific purpose and the decision-making powers granted are restricted to certain actions only. A Limited Power of Attorney often has a set period in which the Limited Power of Attorney is effective and upon completion of such action, the Limited Power of Attorney becomes void. A Limited Power of Attorney is commonly used for real estate transactions. For example, when an individual is closing on a real estate transaction and such individual cannot attend the closing and execute the closing or escrow documents, a Limited Power of Attorney is signed to permit a designated agent to execute the closing documents on the individual's behalf.

Healthcare Power of Attorney (Advanced Healthcare Directive)

Finally, a Healthcare Power of Attorney, which is called an Advanced Healthcare Directive in California, authorizes your agent to make health care decisions on your behalf. If you are incapacitated or declared incompetent to make health care decisions on your own by a physician, a Healthcare Power of Attorney is used to designate a trusted individual to be your healthcare advocate and to make healthcare decisions for you. Under a Healthcare Power of Attorney, your healthcare agent may have the authority to gain access to your medical records, give, withhold, or modify consent to healthcare treatment, authorize relief from pain, arrange at your residence or hospital to assure your healthcare needs are provided for, and decide on your behalf regarding life sustaining medical treatments.

Do I need a Power of Attorney?

A Power of Attorney is a necessary and vitally important component of any estate plan. Even when aged loved ones have full control of their mental faculties, they often need help managing their medical care and finances. A Power of Attorney makes it possible for an adult child, relative, or a trusted friend to act on behalf of his or her loved ones if necessary.

If a Power of Attorney is not in place upon your incapacity, it will be difficult and stressful for family members to help handle their loved ones' financial affairs. Since a Power of Attorney need not be effective immediately, you should have the appropriate type of Power of Attorney, for both your financial and healthcare affairs, in place as part of your estate plan for incapacity, so you and your loved ones can rest easier knowing that your designated agent can step in when the time comes. This authorization provides families with peace of mind knowing that a trusted person is looking out for you. The lack of planning for incapacity will subject you to Conservatorship proceedings, which is a lengthy, complicated, expensive, and unpleasant court process.

Be proactive. Call our office now to schedule a time so we can assist you with your planning before it's too late!



PROFESSIONAL HEALTH CARE AGENT

What is a health care agent?

This is a person you select to make medical treatment decisions for you, if you are incapacitated. You can nominate a person(s), to act on your behalf within a Health Care Power of Attorney, otherwise known as Advanced Healthcare Directive, which is discussed in more detail in one of our earlier sections.

Why is it important to consider a professional Health Care Agent?

We all have busy lives, and it is often difficult to have your loved one put their lives on hold to serve as your Health Care Agent. If a Health Care Power of Attorney is not in place upon your incapacity, it can be difficult and stressful for family members. This planning strategy provides families with peace of mind knowing that a trusted person is advocating for you. In addition, a professional Health Care Agent has experience navigating the medical maze and is familiar with how to deal with medical professionals. The lack of planning for incapacity will subject you to Conservatorship proceedings, which is a lengthy, complicated, expensive, and unpleasant court process.

How do they help exactly?

A Health Care Agent is the person who will communicate directly with your doctors, nurses, hospital personnel, hospice, pharmacists, caregivers and clergy. The Agent may also help to choose your caregivers and determine the best care for you. Depending on the authority you provide your Agent in your Advanced Healthcare Directive, he or she will have the authority to gain access to your medical records, give, withhold, or modify consent to your healthcare treatment, authorize relief from pain, make arrangements at your residence or hospital to assure your healthcare needs are provided for, and make medical decisions on your behalf regarding life-sustaining treatments.

Finally, a health care agent is someone who will make your final arrangements and provide essential information for your death certificate.

What are the benefits of using a professional Health Care Agent, as opposed to a family member?

By using a professional Health Care Agent, as opposed to a family member, you ensure that you have someone who is experienced in handling the different types of situations that can arise. An experienced agent will no doubt take the time to gain a comprehensive understanding of what your wishes would be and to ensure these choices are made when the time comes. We have featured a professional Health Care Agent that is experienced and knowledgeable on the subject matter on the next page for your consideration.



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Selecting the right estate planning attorney, CPA, and financial advisor is essential, but choosing a health care agent is equally crucial. This agent will handle critical health decisions on your behalf, liaising with medical staff, selecting caregivers, and making living arrangements. He or she must be a trusted advocate who deeply understands your health care preferences.

Being a healthcare agent is more than following the life ending decisions (pulling the plug). A health care agent must be a competent, trusted individual who understands health conditions, knows how to navigate the medical maze, and your wishes in order to advocate for you during incapacity. Finally, a health care agent is someone who will make your final arrangements and provide essential information for your death certificate.

As a professional fiduciary, one of the most important jobs I have is making these critical decisions for my clients when they suffer from cognitive impairment. Therefore, it is essential that I understand their wishes. I learned this when I helped my grandmother who was at a facility, in hospice, with congestive heart failure. She had difficulty breathing and wanted oxygen. Instead of making my grandmother more comfortable, the hospice nurse simply increase her morphine and Ativan. Grandma said she felt like she was suffocating. I intervened insisting that she be made comfortable on her terms. This experience resulted in my creating a document focusing on exactly what measures my clients want taken. We all know very few decline pain medication but what about oxygen, antibiotic IV's, surgery, dialysis, etc.? An agent also discusses the likelihood of recovering, whether to be cared for at home or at a facility.

It has also been my experience that the medical spectrum runs ranges from doctors wanting to perform multiple, sometimes unnecessary, procedures instead of focusing on quality of life. I believe everyone must be treated on an individual basis, with dignity, and according to their wishes. I highly recommend you FOCUS ON WHAT REALLY MATTERS.

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HIPAA MEDICAL AUTHORIZATION FOR HEALTHCARE

What is a HIPAA Medical Authorization for Healthcare?

A HIPAA Medical Authorization is consent obtain from an individual that permits a “covered entity” (e.g. doctors, nurses, hospitals, laboratory technicians, and other health care providers) to use or disclose that individual’s protected health information (e.g. X-rays, laboratory and pathology reports, diagnoses, and other medical information) to someone else without the patient’s authorization, for treatment purposes.

Why is a HIPAA Medical Authorization for Healthcare an important part of an estate plan?

1. A valid and comprehensive HIPAA release or authorization allows your family members to access your medical records so they can make more informed healthcare decisions on your behalf.
2. A valid and comprehensive HIPAA medical release or authorization frees the hospital or other healthcare provider from potential liability for providing your named family members with private and confidential medical records.
3. A valid and comprehensive HIPAA medical release or authorization gives your family members the ability to receive updates about your medical condition.
4. A valid and comprehensive HIPAA medical release or authorization can supplement a living trust to permit successor trustees of your trust to obtain medical information about the original trustee in the event of incapacity.
5. A valid and comprehensive HIPAA medical release or authorization also enables your loved one to access the medical bills associated with your healthcare, to ensure that these bills are correct and paid.

What Information Must a HIPAA Medical Authorization Contain to be Valid? ?

The law requires that a HIPAA medical authorization form contain specific “core elements” to be valid. In a HIPAA agreement form, these elements include:

- A description of the specific information to be used or disclosed.
- The name or other specific identification of the person(s), or class of persons, authorized to make the requested use or disclosure.
- The name or other specific identification of any third parties (persons or classes of persons) to whom the covered entity may make the requested use or disclosure.
- A description of each purpose of the requested use or disclosure.
- An expiration date or an expiration event that relates to the individual or the purpose of the use or disclosure.
- The signature of the individual, and the date.



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SPECIAL NEEDS PLANNING

What is a Special Needs Plan?

A special needs plan can take many forms and may cover many financial and care needs, depending on the condition and age of the child. Our special needs planning services focus on Limited Conservatorships and Special Needs Trusts to provide special needs children with conservatorship protections and financial oversight and assistance. Our special needs planning attorney will work with you to help you determine the in's and out's of limited conservatorship and trusts.

What is a Special Needs Trust?

A special needs trust allows you to pass money to the special needs child upon your death without affecting the child's ability to qualify for government assistance or benefits like Supplemental Security Income (SSI) and Medi-Cal in California (or Medicaid in other states). The funds are held in a special trust and administered by a third party for the child's care and expenses. Special needs trusts are a specialized type of trust that requires the help of an estate planning attorney to ensure they will function as you intend. The importance of creating a trust for your special needs family member cannot be stressed enough.

What is a Conservatorship?

A special type of conservatorship called limited conservatorship allows a parent or guardian to continue to take care of and make financial decisions on behalf of their adult disabled child. They are also sometimes called Adult Guardianships in some states. Under a conservatorship, a conservator is appointed by a judge to make legal, financial, and healthcare decisions on behalf of their special needs child. Conservatorships are essential for parents of special needs children because the law will often recognize the child as a capable adult once they turn 18, even if they can't take care of and protect themselves. A conservatorship ensures the parents or a named trusted person can legally make decisions and protect the adult special needs child.

Conservatorships can be created at any time, even after the child turns 18. The process can be complicated, requiring court appearances and plenty of legal paperwork, but it is the best way to avoid confrontations with care providers and institutions who may question your authority to decide on behalf of your adult child. With decades of experience, you can trust us to expertly answer your questions and address any concerns regarding the conservatorship process.



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MEDI-CAL PROACTIVE PLANNING

Why is Medi-Cal planning an important part of an estate plan?

As we age and the current medical costs continue to spiral upward, planning for long-term healthcare costs is crucial to any estate plan. It's not uncommon for nursing home costs to average \$10,000 to \$12,000 a month in California! These are after-tax dollars and that is a cost that many middle-class families cannot bear without planning and advance preparation. That is where we can help. We assist individuals and families in planning for these costs while protecting hard-earned savings.

Medi-Cal Qualifications

Our legal team works diligently within the complex rules of Medi-Cal to ensure that our clients with this need can qualify. A Medi-Cal planning attorney from our law firm can help protect your assets, as it's one of the most important things to consider as we grow old.

Medi-Cal Eligibility

Medi-Cal rules changed recently and it is now easier to qualify for Medi-Cal benefits. In the past, the recipient needs to prove they have limited resources available. Medi-Cal classified assets as either "exempt" and "non-exempt," and exempt property is not counted toward determining eligibility. Assets that are non-exempt can count but must meet various resource limits. For example, an applicant can retain up to \$2,000 in liquid assets in their cash reserve, and an at-home spouse can retain up to \$148,620 (in 2023) in liquid assets in their community spouse resource allowance ("CSRA"). Although the new rules make it easier to qualify for Medi-Cal benefits, the State of California has the right of reimbursement and will seek to place a lien on your assets once you pass away. It is extremely important to plan ahead to protect your assets from Medi-Cal liens.

Long-Term Care Planning Options

Planning ahead is the definitely the best way to protect personal assets and grow wealth to accommodate future healthcare costs. There are many ways to accomplish this goal, from long-term care insurance to annuities, hybrid policies, self-insurance, and Medi-Cal, but not every choice is right for every person, which is why we strongly recommend meeting with an estate planning attorney to learn more about your unique situation, explore your various options, and then help you decide on the best course of action for your particular situation.

Medi-Cal Planning

Medi-Cal has become the most common source of funding to cover nursing home costs in California. Medi-Cal is a joint state and federal Medicaid benefit program, meaning seniors must qualify through a means-tested process to receive benefits. Given the complexity of the Medi-Cal application and approval process, it is important to consult with an Estate planning/elder law attorney before applying for Medicaid (other States) or Medi-Cal (California) assistance yourself. In addition, there may be ways to qualify for Medi-Cal and still protect your assets. Qualifications include:

- Recipients must be 65 years of age or older
- Seniors must have incomes below a certain threshold
- Blind or disabled individuals often qualify for Medi-Cal

Medi-Cal Crisis Assistance

A Medi-Cal crisis planning occurs when an individual must enter a nursing home unexpectedly and has been told that he or she has too much income to qualify for assistance from Medi-Cal. Unfortunately, in many cases, a denial of Medi-Cal coverage is incorrectly determined, and we can help families qualify for coverage by identifying and correcting inaccurate information. The laws governing Medi-Cal eligibility are complicated and ever-changing, but the attorneys at Desert Law Group make it a priority to stay up to-date on current rules and regulations to help Desert seniors receive the Medi-Cal coverage they need, and to protect the assets from later Medi-Cal liens.





VETERAN BENEFITS

What are Veteran benefits?

The US Department of Veterans Affairs provides a wide variety of benefits, e.g., educational assistance (GI Bill), healthcare, assisted living, home loans, insurance, and burial and memorial services, for retired or separated United States armed forces personnel, their dependents, and survivors.

What are the requirements for the Improved Pension Benefit?

The requirements are straight forward:

1. You must be a veteran that served active duty at least one day during a time of war
2. You must have been discharge other than dishonourably.
3. You must now meet certain financial guidelines for assets and income.

Have you been told that you don't qualify due to income or assets?

Please give us a call and let us know what you told them and what the VA said. Many times, the VA doesn't ask the right questions, or they don't ask enough questions in order to know the full picture. If not, in most situations there are very simple things you can do to get qualified with legal documents, hiring a caregiver, purchasing specific types of financial product, or moving somewhere you thought you couldn't afford, but with the VA benefit, you can afford the care you need.

Please give us a call if you are a Veteran, or the widow of a Veteran, that served during a time of war. We can do crisis planning (needing care now) or pre-planning to help you save even more. Aging veterans and their families have a special place in our heart. They and their families sacrificed so much for all of us, so we can have the freedoms we enjoy today. We strive to make sure they get the benefits to which they are entitled.

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SOURCING SUITABLE PROVIDERS OF CARE

What kinds of health care providers are available?

In-home health care providers — In-home health care providers can help seniors live independently at home where they are most comfortable. This arrangement has become more and more common, and is generally the preferred method, at least initially for both seniors and their children for making sure that the senior's health care needs are provided for, while maximizing the independence of the senior. In-home health care providers can provide anything from companion services to skilled nursing services on an a la carte basis. If the senior does not require 24/7 skilled nursing care, this part-time arrangement can work well.

Assisted living facilities — Assisted living facilities generally provide room, board, and 24/7 availability of a nurse to provide for the health care needs of its seniors, which generally includes assistance with some of the activities of daily living ("ADL's"), including bathing, dressing, eating, transferring (getting in and out of a bed, chair, etc.), toileting, and continence. Seniors can usually remain in an assisted living facility as long as the assistance that they require can be provided by one person.

Nursing homes — Nursing homes provide 24/7 higher level of care and monitoring of their seniors. Seniors in a nursing home generally live with more complex health care conditions that require the assistance of a larger staff that typically includes registered nurses, licensed practical nurses, certified nursing assistants, physical therapists, speech therapists, a qualified dietitian, and administration employees.

Memory care or special care units — As our life expectancies increase due to medical advances, more and more people are having to live with some degree of cognitive decline such as dementia or Alzheimer's disease. To help these seniors, many assisted living facilities and nursing homes have special memory care units to focus specifically on residents with dementia or Alzheimer's. The staff who help with these units are specially trained to care for people with dementia or Alzheimer's. In these units, the residents generally receive increased supervision and a more structured environment that is designed to keep residents safe and at the same time stimulate their memory as much as possible.

Does Medi-Cal cover all of these health care providers?

Medi-Cal may be able to help with the cost of these health care providers, depending on the unique circumstances of the individual. We would be happy to explain what you would qualify for given your unique circumstances, and we can also help you select reputable health care providers that accept Medi-Cal payments. We have featured some local health care providers are featured on the opposite page for your benefit.



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Whether you're looking for independent living, assisted living, memory care, or another form of senior care, our local family advisors will help you find the right option for you and your family. Our mission is to provide families with the best residential care options based on care needs and location, no matter what the budget.

If you are looking for senior living in Palm Springs, Rancho Mirage, Palm Desert, or anywhere in the Coachella Valley, our local family advisors are ready to help you find the right senior living option for you. We also work with a network of respected placement partners across southern California. Give us a call today.

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DESERT LAW GROUP

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Downsizing and Selling Your Home

So, You've Decided to Sell Your House. What Steps should You Take?

Moving at any age, regardless of the circumstances, can be stressful and overwhelming, particularly when you consider downsizing to a smaller home or moving into a senior living facility or an assisted living facility. The fact of the matter is that you, like most of us, likely have too much stuff to take to your new home. However, there are steps you can take to make this transition as seamless as possible:

(1) Managing your time well early — Begin planning for your downsizing at least two to three months in advance. This is generally how long the process takes, and you want to begin well in advance of listing the house, in case it sells quickly;

(2) Sort your possessions into categories — Organize your possessions into the following categories: (i) keep and move; (ii) keep and decide later whether to throw out (if it hasn't been touched for more than a year, it should be thrown out, given away, or sold); (iii) give to loved ones; (iv) sell (auction, yard sale, etc.); (v) donate to charity; or (vi) trash. This categorization will help you prioritize what to take with you to your new home;

(3) Review a floor plan of your new home — If you do not have one, ask for a customized floor plan of your new home. This floor plan can help you determine what furniture to take with you to your new home, and where to place that new furniture in the home; and

(4) Ask for and hire help if necessary — Moving is often stressful and overwhelming. Don't be afraid to ask family and friends for help, and hire professional packers and movers if necessary.

Tips for Selling Your House

We recommend the following tips when it comes to selling your house:

(1) Declutter your house — If you have not moved your belongings before listing the house, keep in mind that the buyer is interested in your house, not your personal property in the house. You want your buyer to be able to see as much of the walls and floors as possible;

(2) Make minor repairs — Fix leaky faucets, burned-out light bulbs, missing light sockets, and other repairs that are relatively inexpensive and easy to make;

(3) Give a first good impression — The first impression of your home is very important to a prospective buyer. If it is not too costly and will help with the first impression, consider putting down fresh paint and new carpeting in the rooms of the house that appear dated. This will give the home an updated look, even if it is not fully renovated;

(4) Make major repairs only if your realtor recommends it — Don't make the mistake of making any major changes or renovations that are not needed before selling your home. Unless the realtor indicates that it will add value to your home or help it sell, don't worry about making these major repairs. Often, the buyer will make changes upon purchasing the home to suit their tastes and decorating preferences.

Take the guesswork out of your next move. Whether you are downsizing or moving into another home.

We provide clients with one-on-one attention and custom solutions throughout every step of the transaction.



Valuation Tools

Our Compass AI-driven pricing tool uses live market data to help us understand prices of similar homes within the area. As a buyer, you can feel confident about the purchase price and value and as a seller we price your home smarter to ensure a faster, maximum-value sale.

Constant Support

For every question you have and for every aspect of the process—we're there with clear answers and consistent guidance. As a team of seasoned negotiators, marketing experts, and hands-on support, we help you get the best deal for your home with a seamless experience.

Agent-Not an Algorithm

In real estate, relationships are everything. Opt for an agent team with strong broker and community ties. Our local knowledge and connections means your home is priced right and gets maximum exposure with minimum amount of surprises and stress for you.

Price it Right.
Sell it Fast.

In today's fast-paced market, the secret to making the most money from your sale is working with a market expert to create buyer interest right away.

I help Coachella Valley sellers maximize their home value and minimize their stress through every stage of the transaction.

I use live data to competitively price your home based on today's market.

With access to real time market data, I provide sellers with a curated valuation strategy that drives results. Compass proprietary technology allows you to see how your home price compares to similar listings, so you can sell with confidence.

I know how to curate a strategic first impression to drive buyer excitement.

By expertly staging and strategically marketing your home early, I know how to intentionally create buyer interest, drive early offers, and make your sale as profitable as possible.

I develop personalized solutions for your goals throughout the entire transaction.

Whether you need to increase your property value, expedite your sale, or get the help you need to simultaneously sell your current home and buy your next one, I'll provide you with custom solutions that are just as unique as your home.

Get in touch today to learn more about maximizing your home value and making the most of your sale.

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TAX PLANNING

Should I work with a CPA during Estate Planning?

Definitely! It is generally recommended to consult with a CPA when doing estate planning, as they can help with tax considerations, both during and after your lifetime, in a manner that minimizes the tax liability for you and your beneficiaries. Below are some of the potential benefits of consulting a CPA during your estate planning:

They can help reduce taxes.

Your estate may or may not be subject to estate and gift taxes upon your passing. The current estate and gift tax exemption for 2024 is \$13,610,000 per individual or \$27,220,000 for a married couple. While less than 1% of Americans have a net worth over this amount, the estate and gift tax exemption amount however is scheduled to expire at the end of 2025 to what it was back in 2016, which was \$5,000,000 per person (it will be higher than this, once adjusted for inflation from 2016 to 2026, but will still be significantly lower than the current amount). This lower amount is expected to affect roughly 3% of Americans.

However, it is worth noting that the estate and gift tax exemption could be lowered through legislation; in the 1990s, for example, the exemption ranged from \$600,000 to \$650,000, which affected a much larger percentage of Americans. For this reason, it may be helpful to consult an accountant for advice if you think your estate might one day be subject to the estate and gift tax exclusion. Consulting an accountant for this advice might, for example, prompt your CPA to advise you to use the 2024 gift tax annual exclusion of \$18,000.00 (it's \$10,000 in the tax code, but adjusted based on inflation) per year to gift monies to your loved ones in advance, without these gifts counting against your lifetime estate and gift tax exemption limit.

An accountant is also up-to-date on tax law changes that could affect your estate, such as tax reform through the 2017 Tax Cuts and Jobs Act ("TCJA"). It is important to consult with an accountant who is up to date on the latest tax law changes that could cause potential problems to your estate planning goals later on.

They are knowledgeable about the tax laws concerning Trusts.

An accountant familiar with Trusts can give you advice and guidance regarding the tax laws concerning your Trust, and they can also help you understand and file any tax returns that are required for your Trust.

They can advise your Trustee/Executor.

Accountants are also a wealth of knowledge in advising your trustee and/or executor concerning the tax laws affecting your estate. They can advise them of their duties concerning these tax laws, help them prepare Form 1041 Income Tax Return for Estates and Trusts and other necessary tax return forms, and assist with other tasks necessary to facilitate a smooth transition of assets to your beneficiaries and the closure of your estate.



FINANCIAL PLANNING

Should I work with a Financial Advisor during Estate Planning?

Absolutely! it is generally recommended that you consult with a qualified financial advisor when doing estate planning, as they can help you properly transfer the appropriate assets to your trust, create strategies for managing financial risk, as well as for preserving or building wealth in a manner that will put you on track to achieve your financial goals.

Are there different types of Financial Advisors?

Yes, there are many different types of financial advisors. The title, "Financial Advisor" is just a general term that describe anyone who is in the financial planning business. Financial advisors who serve individuals and families make up the majority of financial advisors, and they fall into three categories: investment advisors, Certified Financial Planner (CFP®) professionals, and Registered Representatives (RRs), previously known as stockbrokers. Note that many advisors wear all three of these hats, which is why it's important to understand the differences before you begin your search.

What is an Investment Advisor?

Investment advisor is the official title for Registered Investment Advisors (RIAs). An RIA is licensed by their state and/or the Securities and Exchange Commission (SEC) to offer investment advice and manage client portfolios. Investment advisors are held to the fiduciary standard, meaning they are legally required to act in their clients' best interests.

What does acting in your best interest mean?

- Their recommendations and actions must accurately reflect your financial objectives, timeframes, and risk tolerance.
- They must strive to keep their own fees (as well as other fees) reasonable.
- They must avoid exposing their clients' assets to excessive risk.

What is a Certified Financial Planner (CFP®)?

Unlike investment advisors and brokers, those who call themselves financial planners are not regulated or licensed. Technically, anyone can call themselves a financial planner. To bring credibility and accountability to the profession, a number of industry organizations have formed to award formal certifications to financial planners. The most well-known and well-respected "gold standard" is the Certified Financial Planner Board of Standards (CFP® Board.). To earn this certification financial advisors must:

- **Bachelor's Degree** - Have at least a bachelor's degree and 3 years of relevant experience in the financial services industry
- **Certification Examination** - Pass a comprehensive CFP® Certification Examination covering a wide range of financial planning and investment topics, tax, estate planning, as well as ethics and rules;
- **Rules** - Agree to abide by the CFP® Board's code of ethics and rules of conduct, which require them to act with integrity and accountability and to always put their clients' best interests first
- **30 Hours of CFP® Continuing Education** - Agree to complete 30 hours of CFP® Board-approved continuing education courses over a specified reporting period, to keep up to date with developments in the financial planning field

What is a Registered Representative?

Back in the days, if someone wanted to invest in stocks or bonds, they used stock brokers. Today, they're generally just called brokers, because most of them make their living selling mutual funds and life insurance to clients rather than trading securities. Their formal name is Registered Representative (RR). They work for broker dealers and are licensed and regulated by the Financial Industry Regulatory Authority, or FINRA. Unlike investment advisors, brokers are not paid directly by clients; instead, they earn commissions for trading stocks and bonds, and for selling mutual funds and other products.



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FINANCIAL PLANNING

What are Financial Consultants and Wealth Managers?

Like the term financial advisor, financial consultant and wealth manager are both generic job titles that do not require licenses or certifications. In the past, financial consultant was often used by brokers who offered financial-planning services. Likewise, in recent years, wealth manager has emerged as a marketing term to describe financial advisors who focus on high-net-worth clients, usually those with \$5 million or more in investable assets. They're almost always licensed as investment advisors and brokers, and a growing number are CFP professionals.

What are the different ways in which a Financial Advisor is paid?

In the financial planning world, advisors and planners are compensated in one of two basic ways: by earning flat fees or by earning commissions. A flat fee financial advisor is paid a set rate for the services they provide rather than getting paid by commission on the products they sell or trade.

What are the different areas of Financial Planning that Financial Advisors can help you with?

Savings and Related Investments

A qualified financial advisor will consult with you, assessing both your attitude towards financial risk and you and your family's financial goals before giving you proper advice on how you should invest your money to reach your short-term, mid-term and long-term goals. These investments vary and can include, among other options, money markets, certificates of deposit (CDs), annuities, stocks, and bonds.

Retirement Planning

A financial advisor can give you advice on how much money you need to save each year to maintain the same standard of living in your retirement. Retirement planning can include investing in retirement accounts like IRAs, SEP, 401ks and 403bs, as well as pension products that can also help supplement your income in retirement.

Insurance

Insurance is covered in more detail in its own section.

Mortgage and Real Property Advice

Mortgages are covered in more detail in the following section.



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MORTGAGES

What is a Mortgage?

A mortgage is a type of loan used to purchase or maintain a home, land, or other types of real estate. The borrower agrees to pay the bank or lender over time, typically in a series of regular payments that are divided into principal and interest. The property then serves as collateral to secure the loan.

How does a Mortgage work?

Individuals and businesses use mortgages to buy real estate without paying the entire purchase price up front. The borrower repays the loan plus interest over a specified number of years until they own the property free and clear. Most traditional mortgages are fully-amortizing. This means that the regular payment amount will stay the same, but different proportions of principal vs. interest will be paid over the life of the loan with each payment. Typical mortgage terms are for 30 or 15 years.

Are there different types of Mortgage?

Yes, the following are a few examples of the most popular types:

Fixed-Rate Mortgages - The standard type of mortgage is fixed-rate. With a fixed-rate mortgage, the interest rate stays the same for the entire term of the loan, as do the borrower's monthly payments toward the mortgage. A fixed-rate mortgage is also called a traditional mortgage.

Adjustable-Rate Mortgage (ARM) - With an adjustable-rate mortgage (ARM), the interest rate is fixed for an initial term, after which it can change periodically based on prevailing interest rates. The initial interest rate is often a below-market rate, which can make the mortgage more affordable in the short term but possibly less affordable long-term if the rate rises substantially. ARMs typically have limits, or caps, on how much the interest rate can rise each time it adjusts and in total over the life of the loan.

Interest-Only Loans - Other, less common types of mortgages, such as interest-only mortgages and payment-option ARMs, can involve complex repayment schedules and are best used by sophisticated borrowers. These types of loans may feature a large balloon payment at its end. Many homeowners got into financial trouble with these types of mortgages during the housing bubble of the early 2000s.

Reverse Mortgages - As their name suggests, reverse mortgages are a very different financial product. They are designed for homeowners age 62 or older who want to convert part of the equity in their homes into cash. These homeowners can borrow against the value of their home and receive the money as a lump sum, fixed monthly payment, or line of credit. The entire loan balance becomes due when the borrower dies, moves away permanently, or sells the home.

What happens if I can't pay my Mortgage?

As soon as you realize you're struggling to keep up with your monthly payments, the first thing to do is speak to your mortgage lender. They will be able to talk to you and come up with a new plan, which could include extending the mortgage term, changing how often you make a payment etc.

What happens if I miss a payment?

If you missed one or more payments, this will be reported as a late payment and you will be classed as "in mortgage arrears.". The late payment will remain on your record for several years and will negatively affect your credit score. If you continue to miss payments, then your home could be repossessed.

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INSURANCE PLANNING

Insurance products can help mitigate risks and protect every aspect of your life for the benefit of you and your loved ones. Some of these products include:

Health Insurance

Health insurance is one of the most important types of insurance to have because: (1) it will allow you to obtain health care that you need; and (2) it will do so while protecting you and your family from the exorbitant and unexpected costs that can come with major illnesses and injuries. Health insurance is sometimes provided through an employer or a government program such as Medicare or Medicaid (or "Medi-Cal" in California), but for those who are not provided for in these manners, it is important to spend the money on a private health care plan.

Life Insurance

Life insurance provides a lump sum death benefit to your family and loved ones if something unexpected happens to you. No one wants to die unexpectedly, but the fact of the matter is that it happens. It is important to have the peace of mind that comes with knowing that your loved ones and their standard of living are largely protected through the purchase of life insurance to minimize the financial risks for your family.

Long-Term Care Insurance

Long-term care insurance is designed to help people pay the costs of long-term care. Though this insurance does help with the expenses associated with long-term care, you are likely ineligible if you have a pre-existing condition or wait to purchase it until you need it. Also, these policies generally have a waiting period, may have high deductibles, and do not cover 100% of the costs of long-term care, and only insure you from long-term care costs for a finite period (three years is fairly common). There are also hybrid products available that can mitigate the long-term care cost, with an investment component, and a death benefit to boot! A qualified financial advisor or insurance professional working with estate planning attorneys like us can explore the best option for you.

Critical Illness/Catastrophic Illness Insurance

Critical illness/catastrophic illness insurance helps pay for costs not covered by traditional health insurance in the event of a serious medical emergency, such as a stroke or cancer. Generally, the insured will be paid a lump sum to cover these costs, and the lump sum can be used for nonmedical costs related to the illness, such as help with transportation, childcare, and other tasks made impossible due to the illness. This insurance affords you the peace of mind to focus on getting better, rather than worrying about large health care bills.

Income Protection (disability) Insurance

Income Protection Insurance can provide short-term and long-term disability coverage that helps protect your income. This insurance, in the event you become disabled and can't work due to a medical illness, injury, or other condition specified in the contract, will pay you a percentage of your income.

Mortgage Protection Insurance

Mortgage Protection Insurance is designed to protect your family by paying off the mortgage on your home in the event of your untimely passing.

We have featured professionals who are familiar with these various insurance products on the next page for your convenience.

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**IMPORTANT THINGS AREN'T
WORTH COMPROMISING**



Home



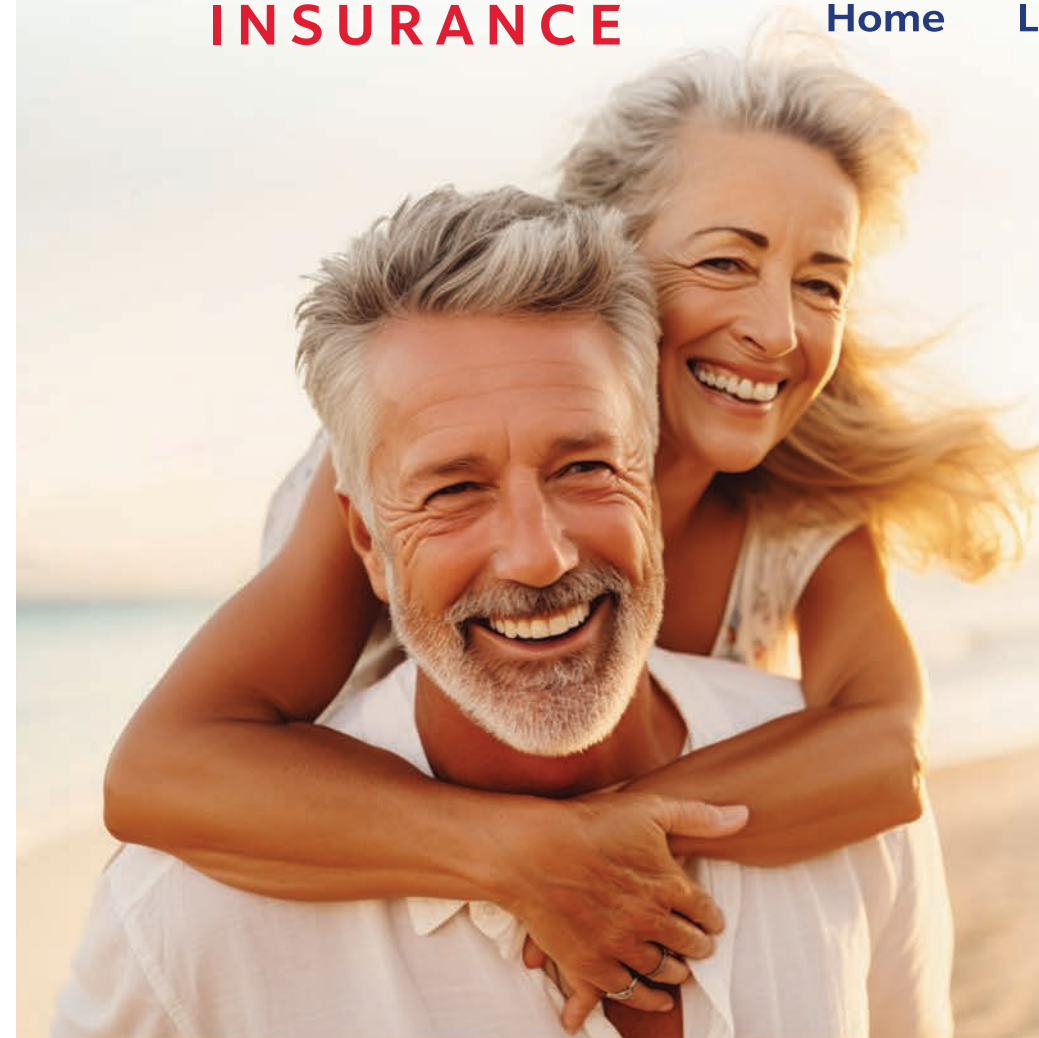
Life



Vehicle



Business



LIFE

Term
Whole
Universal

HEALTH

Medicare
Group Health
Individual Health

COMMERCIAL

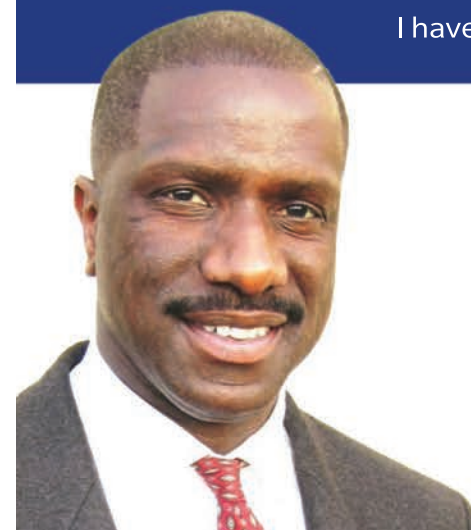
Business Owners
Workers Comp
Handyman

PERSONAL LINES

Home
Vehicles
Off/Road

As your local Farmers® agent in Indio, CA, I help customers like you identify the insurance coverage that best fits your needs. This process is straightforward and personalized to help make you smarter about insurance. I have the knowledge and experience to help you better understand your coverage options--whether that's auto, home, renters, business insurance and more.

I have over 14 years of experience as a Farmers Insurance agent.



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Daniel Harris

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760-760-347-2347(Fax)

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www.farmersagent.com

MEDICARE BENEFITS

What is Medicare?

Medicare is a federal health insurance program that is generally for persons who are 65 or older, or for certain younger persons with disabilities.

What are the different parts of Medicare?

Most people familiar with Medicare are aware that there are a variety of Medicare Parts that, when combined with Medicare plans, seemingly cover every letter of the alphabet. For example, here are four Medicare Parts covering different services:

(1) Medicare Part A — Hospital insurance that covers hospital stays, home health care, and some care in a skilled nursing facility. You generally don't pay a premium for Part A if you or your spouse worked and paid Medicare taxes for a specified amount of time while working (you can pay for it out of pocket if you don't qualify);

(2) Medicare Part B — Medical insurance that covers doctor visits, outpatient care, medical supplies, preventative care, x-rays, and lab tests. Everyone pays the standard Part B premium amount of \$174.90, but the premium amount can be higher if your income from two years ago was high enough (as of 2024);

(3) Medicare Part C — Medicare Advantage that covers, at a minimum, everything the federal government has always provided in Medicare (Parts A and B, sometimes referred to as "Original Medicare"), but is instead provided by private health insurance companies (that are approved by Medicare). The Medicare Advantage Plans typically bundle Parts A, B, and D, and sometimes include extra benefits that Original Medicare doesn't cover, such as vision, hearing, and dental. Medicare Advantage Plans charge different out-of-pocket costs, must follow Medicare's coverage rules, and must notify you of any changes before the start of the next open enrollment period; and

(4) Medicare Part D — Prescription drug coverage that covers, well, prescription drugs. This is provided by private health insurance companies as well, and can be purchased on its own, or is generally included if you purchase a Medicare Advantage Plan (Medicare Part C). These plans vary in what prescription drugs they cover and in cost, but all plans must provide at least a standard level of coverage set by Medicare. Medicare drug coverage includes both generic and brand-name drugs. The amount that you pay for each drug depends on the plan that you choose.

How does Medicare work with my other insurance?

Medicare enrollment allows you to decide what Medicare coverage you want, but you will generally select either Original Medicare (Parts A and B), or Medicare Advantage (Part C, which includes Parts A, B, and D). Original Medicare provides Medicare Part A and Medicare Part B (you can add Medicare Part D separately for prescription drugs if you would like). When you obtain services, you will pay a deductible at the beginning of each year, and you will also typically pay 20% of the cost of the Medicare-approved service (co-insurance). You can purchase a "Medigap" policy to cover the health care costs not covered by Original Medicare. Medicare Advantage is Medicare Part C, and provides Medicare Part A, Medicare Part B, and usually Medicare Part D. As mentioned previously, these plans can provide extra benefits, such as vision, hearing, and dental. The cost of a Medicare Advantage Plan varies depending on what the Plan offers.

How does Medicare Work with my Other Insurance?

When you have Medicare and other insurance, each insurance provider is called a "payer" for your health insurance. The "primary payer" would pay first, and then the remainder would be sent to the "secondary payer" to pay.



FUNERAL ARRANGEMENTS

What is funeral pre-planning?

Funeral pre-planning involves planning for, organizing, and paying for your funeral at its present-day cost before passing.

What are the benefits of funeral pre-planning?

The benefits of funeral pre-planning are:

- (1) Your wishes to your loved ones regarding your funeral and burial are known and specified;
- (2) It saves you and your loved one's money, both by protecting them from rising funeral costs and by specifying what is purchased for your funeral, limiting the risk of unnecessary purchases by your loved ones;
- (3) Your family can grieve and honor your life, rather than focusing on the cost of your funeral and burial; and
- (4) If you are using Medicaid ("Medi-Cal" in California) planning to qualify for long-term care benefits, irrevocable funeral pre-plans are an exempt and treated as a noncountable resource.

How much does a funeral cost?

According to Funeralocity (2024), a traditional full-service funeral costs an average of \$7,650 in California, and this does not include cemetery fees. With cemetery fees, you can anticipate the cost of over \$9,000 for a "standard" funeral service.

These costs may seem high, but they are only projected to increase in the future. For example, the United States Department of Labor's Bureau of Labor Statistics, when tracking funeral expenses from 1986 to 2017, determined that the cost of funerals has risen nearly twice as fast when compared to other consumer prices.

Considering this, funeral pre-planning may be a smart way to save money, as the cost of the funeral is locked in at the price you paid when pre-planning. Neither you nor your loved ones will have to pay any more money in the future for your funeral. In addition, it removes the burden your loved ones would have to handle while grieving the loss.

Is funeral pre-planning protected?

The funeral industry is regulated by the United States Federal Trade Commission, which has mandated Funeral Industry Practices to protect consumer interests. Part of this regulation requires that providers of funeral pre-planning have a permit, and fully prepaid plans are held by the funeral provider in an independent Trust.



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PROBATE

What is probate?

Probate is a legal court process that takes place after someone dies. Probate ensures that someone's property and possessions are distributed to the correct beneficiaries. The process also takes care of paying any taxes or debts that are owed. If the deceased had a Last Will, the court will check that Last Will to ensure it is valid and then make sure all the Last Will's directions are carried out. However, the family still have to go through the lengthy and costly probate process.

What happens if I die without a will or trust?

If you die without a will, your assets will be frozen until the court system examines every detail of the estate. The State of California then applies its intestacy laws and makes decisions regarding where your possessions will be allocated. This process is extremely time consuming but is easily avoided by merely having a proper estate plan in place.

How much does it cost to probate an estate?

In the State of California, the cost of probate is based on a statutory fee schedule. Depending on the type of assets being probated and the value of the assets, sometimes the cost can be higher due to "extraordinary fees" allowable under the Probate Code. In most cases, you can count on your estate paying somewhere between four to seven percent, including court fees, executor fees, attorney's fees, publication fee, accounting fees, appraisals, and business valuation fees, bond premium fees, and other miscellaneous fees.

What happens during probate?

During probate, a person is nominated in the will to be the Executor. That person with legal standing files a petition to ask that they be appointed as the Executor of the estate. In the case of someone dies without a will, a list of persons who have priority to petition to become executor is provided by the Probate Code. Statutory notices are sent to the heirs and relatives of the deceased to let them know when the court hearing will take place. Any objections to the petition or contests of the validity of the will are heard and resolved through the court system. The Executor will make an inventory of the estate's assets, locating creditors, pay bills, file tax returns, and more. Several petitions are filed throughout this process, and the estate administration is eventually completed by the distribution of assets to the heirs and filing of the final tax returns. This process can take a year or often much longer.

What is unique about California's probate law?

Every state has different laws as they relate to probate and estates. If the deceased's assets are only in their name without beneficiary designations, probate will be required. In the State of California, not all wills have to go through the probate process because the law features several different probate processes. A full probate will be necessary for large estates with complex assets, such as those with properties or bank accounts held outside of the country. If someone dies without a will in California, the legal term is called "dying intestate." When that occurs, that person's assets will be distributed according to California laws. The deceased's assets will be distributed to surviving relatives in a specific order determined by the state. A surviving spouse would inherit one-half of the deceased's community property as well as one-half or one-third of the separate property based on whether any children were left behind.

How the Probate Process Works

Despite what you may think, probate is not always a lengthy and expensive process. Under the right circumstances, there are alternatives to "fast track" the Probate process. For example, if the asset value is under \$184,500 (this amount is adjusted from time to time), and there is no real property in the estate and no claim by Medi-Cal, or when a surviving spouse inherits all assets and there are no child beneficiaries. In other cases, probate can be a lengthy process, averaging 12 to 18 months, depending on the complexity of the estate. Extremely complicated estates may result in years of probate. In the State of California, probate cannot be avoided unless there is proper planning. Even if there is a valid Will, the estate will be subject to probate. Costs associated with probate include attorney's fees, filing fees, and other charges, such as publication fees, appraisal and a bond premium. The basic process of probate consists of the following steps:

- Filing a petition with the correct probate court
- Giving notice to heirs under the will, or to statutory heirs if no will exists
- Petitioning the court to appoint an administrator or executor for the estate
- Publish in the newspaper for the required period
- Taking inventory of the assets and having an appraisal performed
- Notify the known creditors
- Paying off all legitimate estate debts
- Selling estate assets if necessary
- Paying remaining taxes owed by the estate
- Distributing remaining assets to heirs as directed by the court

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Marketing Plan

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Negotiating Skills

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Estate Planning and Your Home

When doing your estate planning, remember your home is probably your largest asset that should be protected by a Will and/or Trust.

Protect your investment properties from Probate and the IRS.

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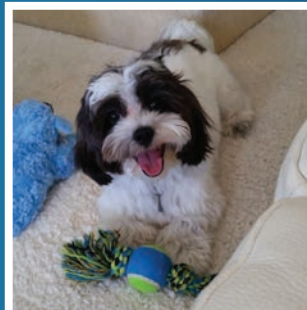


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THE NEXT STEPS

We hope this guide has been informative and helped you realize the benefits you will receive by taking a pro-active approach to planning for the future of yourself and your loved ones.

Please bear in mind, this guide is simply an introduction to the field of estate planning and does not constitute, nor should it be considered as being, legal advice.

If you are ready to start the process of protecting yourself and securing your family's legacy, please contact us **TODAY** to schedule your consultation.



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What information should be provided to my fiduciary about my pet(s)?

1. Name, age and breed of each pet
2. Brand and type of food and treats used
3. Name of veterinarian with phone number
4. If any pet is on medication, the medical condition being treated, name of medication, dosage and time(s) given daily.

Real example – Client called to say she was admitted to a hospital and her 2 dogs needed care. A fiduciary went to the hospital to pick up keys to residence, security alarm code and HOA gate entry information. Upon arriving, the fiduciary fed the dogs, administered medications and took them potty 3 times a day until the four legged creatures human returned home.

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